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LIQUOR CONTROL COMMISSION
DEPARTMENT OF LIQUOR CONTROL
COUNTY OF MAUI, STATE OF HAWAII

TRANSCRIPT OF PROCEEDINGS
REGULAR MEETING

Held via Blue Jeans video conference, commencing at
9:03 a.m., on January 12, 2022.

REPORTED BY: SANDRA J. GRAN, RPR/CSR #424

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APPEARANCES

COMMISSION MEMBERS PRESENT:

CHAIRPERSON: LEON BOLOSAN
VICE CHAIR: JAMIE BECRAFT
COMMISSIONERS: ROBERTO ANDRION, JR.
AARON BOSWELL
JERRYBETH DE MELLO
SNEHAL PATEL
STANLEY RUIDAS
BRUCE U'U

STAFF PRESENT:

DEPUTY CORPORATION COUNSEL: JENNIFER OANA
DIRECTOR: LAYNE N. SILVA
LIQUOR CONTROL OFFICER: MARC WEISENFELD
COMMISSION SECRETARY: MARIA KHANGSENGSING
PRIVATE SECRETARY: LIANNE SUZUKI

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(January 12, 2022, 9:03 a.m.)

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CHAIR BOLOSAN: Good morning, everyone. This -- this is a regular meeting of the liquor control commission. It is Wednesday, January 12th, 2022. The time is 9:03. I am Leon Bolosan, the chair of the commission, and I call this meeting to order.

I'm gonna do a roll call. Commissioners, please also indicate who if anyone is present with you at your location.

Vice Chair Becraft.

(No response.)

CHAIR BOLOSAN: Okay. I spoke to him this morning, but for the record, when he comes in, I'm gonna acknowledge that.

Commissioner Andrion.

COMMISSIONER ANDRION: Mr. Chair, present. I don't have anyone with me.

CHAIR BOLOSAN: Commissioner U'u.

COMMISSIONER U'U: Present. Again, no one with me.

CHAIR BOLOSAN: Commissioner Boswell. Aaron?

COMMISSIONER BOSWELL: Present and my wife is coming and going.

CHAIR BOLOSAN: Commissioner Ho is excused today; I believe so.

1 Commissioner Patel.

2 COMMISSIONER PATEL: Here, present. There's
3 currently no one in the office with me.

4 CHAIR BOLOSAN: Commissioner Ruidas.

5 COMMISSIONER RUIDAS: Here, I'm alone.

6 CHAIR BOLOSAN: And the chair is present as well.

7 COMMISSIONER DE MELLO: Mr. Chair.

8 CHAIR BOLOSAN: Yes.

9 COMMISSIONER DE MELLO: You missed me.

10 CHAIR BOLOSAN: Oh, I'm so sorry. Okay.

11 Commissioner De Mello. I'm so sorry.

12 COMMISSIONER DE MELLO: Home alone in my room.

13 CHAIR BOLOSAN: Okay. Corp. Counsel Jennifer Oana.

14 CORP COUNSEL OANA: Present. Good morning,
15 everyone.

16 CHAIR BOLOSAN: Good morning, Jen.

17 COMMISSIONER U'U: Good morning.

18 CHAIR BOLOSAN: Director Layne Silva.

19 DIRECTOR LAYNE N. SILVA: Present. Good morning.

20 CHAIR BOLOSAN: Deputy Director Jarrett

21 Kahooohanohano.

22 DIRECTOR LAYNE N. SILVA: I'm sorry, Chair, Jarrett
23 is not gonna be with us this morning.

24 CHAIR BOLOSAN: Okay, all right.

25 Maria Khangsengsing.

1 MS. KHANGSENGSING: Present.

2 CHAIR BOLOSAN: Lianne Suzuki.

3 MS. SUZUKI: Good morning. Present.

4 CHAIR BOLOSAN: And do we have Marc as the reader
5 today, Weisenfeld?

6 LCO WEISENFELD: Yes, I'm present.

7 CHAIR BOLOSAN: Thank you, Marc.

8 Did I miss anyone?

9 VICE CHAIR BECRAFT: Good morning, Chair. Sorry I'm
10 tardy. Jamie Becraft, I'm present.

11 CHAIR BOLOSAN: Oh, okay. Thank you, Jamie. For
12 the record, Jamie's here.

13 Okay. Did I miss anyone?

14 (No response.)

15 CHAIR BOLOSAN: Okay. If not, I'm gonna move on to
16 the agenda. The chair will entertain a motion for approval of
17 today's agenda, January 12, 2022. May I have a motion?

18 COMMISSIONER U'U: I'll make a motion to approve.

19 CHAIR BOLOSAN: Okay.

20 COMMISSIONER DE MELLO: I second that motion.

21 CHAIR BOLOSAN: Okay. Moved by Commissioner U'u and
22 second by Commissioner De Mello.

23 I will call for the vote. All those in favor of the
24 motion say aye and those opposed, say nay.

25 Vice Chair Becraft.

1 VICE CHAIR BECRAFT: Aye.

2 CHAIR BOLOSAN: Commissioner Andrion.

3 COMMISSIONER ANDRION: Chair, aye.

4 CHAIR BOLOSAN: Commissioner De Mello.

5 COMMISSIONER DE MELLO: Aye.

6 CHAIR BOLOSAN: Commissioner U'u.

7 COMMISSIONER U'U: Aye.

8 CHAIR BOLOSAN: Commissioner Boswell.

9 COMMISSIONER BOSWELL: Aye.

10 CHAIR BOLOSAN: Commissioner Ruidas.

11 COMMISSIONER RUIDAS: Aye.

12 CHAIR BOLOSAN: Commissioner Patel.

13 COMMISSIONER PATEL: Aye.

14 CHAIR BOLOSAN: Thank you. And the chair votes aye.

15 Motion carried.

16 Moving on to public testimony. With regards to

17 written testimony, the commissioners were all given written

18 testimony submitted for this meeting. For oral testimony,

19 each testifier will be limited to two minutes on each agenda

20 item with one addition to conclude. Testifiers via video are

21 asked to sign up using the chat function by sending a direct

22 message to the commission secretary providing your name and

23 which item you'll testify on. Testifiers via phone will be

24 called by the chair after the video testimony is finished.

25 The meeting chat room is only available for individuals to

1 make known their desire to testify; no other comments are
2 allowed. Except for commissioners, those attending the
3 meeting are to mute their audio and video unless called upon
4 by the chair to speak. Those who have signed up to testify
5 will be called by the chair to offer their testimony, at which
6 time they can unmute their audio and video. After completing
7 their testimony, the testifier will mute their video. An
8 individual's request to testify may be deemed withdrawn if the
9 individual does not answer when he's called to testify.

10 Maria, do we have any testifiers?

11 MS. KHANGSENGSING: No, I don't see anybody signed
12 up in the chat area.

13 CHAIR BOLOSAN: Thank you, Maria.

14 MS. MEHLING: Mr. Chair, this is Keri Mehling
15 speaking. I actually did sign up to testify this morning.

16 CHAIR BOLOSAN: Okay. If -- then you have the
17 floor.

18 MS. MEHLING: Thank you, Mr. Chairman. My name is
19 Keri Mehling. I have met some of you before. I'm a
20 practicing attorney here in Maui who does liquor licensing,
21 and I am actually testifying generally on the administration
22 -- the administrative portion of your agenda. Simply, I'm not
23 on the agenda, despite having submitted documentation back in
24 October and despite repeated follow-ups and despite
25 submissions and emails and going to the department of liquor

1 to attend to things that we were requested to attend to. And
2 this -- this is not news to Layne. Layne has been gracious
3 enough to take multiple of my very frustrated phone calls
4 trying to figure out what the issue is. And what I keep
5 hearing and the reason that I'm here this morning is that
6 there's just a flat-out lack of people available to respond to
7 the needs of the community and the needs of those who have
8 licenses or are trying to obtain licenses. And if that is
9 indeed the case -- and although I think there are other
10 problems, if that is the case, then I would very much
11 encourage those of you on this commission to be speaking to
12 the mayor and the other people who can provide funding and
13 provide the hiring mechanisms and get people into the
14 department. There is no reason that some of these processes
15 should be taking the amount of time that they're taking,
16 costing what they are costing people to try to get through
17 them, and, frankly, the amount of repetition of submission of
18 information that we are having to go through. It's not easy
19 on them, either. They're having to see things three, four,
20 five times because the rules require it.

21 But I would really encourage this commission to get
22 involved in getting them more resources because there's no way
23 we can put this economy back together if we can't get
24 approvals on things for four, five, six, seven months. These
25 are not -- not brand-new liquor licenses; these are changes of

1 officers and directors; these are licenses between vessels
2 that are switching where you guys have seen all of the players
3 before. So I'm simply here to encourage the commission to
4 take an affirmative action in trying to get us where we all
5 need to get to, both the department and the public. Thank
6 you.

7 CHAIR BOLOSAN: Thank you, Ms. Mehling.

8 Okay. I'll give you the floor, Jamie Becraft, vice
9 chair.

10 VICE CHAIR BECRAFT: Good morning, Ms. Mehling. I
11 appreciate your testimony. I would -- just wanted to clarify,
12 is this with one of your clients or -- I wasn't sure on how
13 you were speaking if -- if you've been running into this
14 problem with multiple clients.

15 MS. MEHLING: The slowness problem has, very
16 truthfully, been a pervasive issue for years and one that
17 Layne is very aware of and has tried to help remedy and
18 expedite some of the processes, but the ones that I'm speaking
19 of right now are two different sets of clients, three
20 different sets of applications.

21 VICE CHAIR BECRAFT: And one last question on the
22 duration, what are -- what are you finding is your -- your
23 time on these three different applications? What type of
24 timeframe are we speaking of?

25 MS. MEHLING: Well, the original submissions went in

1 in October. We were told that they were completed and that
2 they should have probably made December's agenda, then there
3 was a hiccup, okay, fine. Then we were told repeatedly in
4 December, multiple phone calls and emails, that they would be
5 ready for January's agenda. January's agenda came out, and we
6 weren't on it. And we've been calling every single day to try
7 to figure out you guys have everything? Do you -- do you need
8 anything from us because we really need to be on January's
9 agenda, and we didn't learn we weren't on it until after we
10 were not on it.

11 VICE CHAIR BECRAFT: I'm sorry to hear that, and I
12 want to thank you for your testimony again. Thank you.

13 CHAIR BOLOSAN: Thank you, Vice Chair Becraft.
14 Before I move on to any other testifier, is it proper for me
15 to direct this issue to the director, Layne Silva?

16 DIRECTOR LAYNE N. SILVA: Pardon me, Chair. I think
17 Bruce is raising his hand also. I'm not sure if he has some
18 questions.

19 CHAIR BOLOSAN: Okay. Thank you.
20 Go ahead, Commissioner U'u.

21 COMMISSIONER U'U: I just want to say thank you for
22 testifying and sharing that with us, Keri. And, again, it's
23 something we've been talking about for a while, and I'm
24 grateful and thankful that you've brought it up 'cause we need
25 to know it as a commission. And if we don't hear about

1 things, we can't try to help the department, I guess, pick up
2 the slack or whatever needs to happen in the right way,
3 understanding the pandemic has not been good upon businesses
4 on Maui. So I share your concerns and, hopefully, we can get
5 some remedies sooner rather than later. Thank you.

6 CHAIR BOLOSAN: Thank you.

7 MS. MEHLING: Thank you, Commissioner U'u.

8 CHAIR BOLOSAN: Commissioner Patel, you have the
9 floor.

10 COMMISSIONER PATEL: Thank you, Chair. And thank
11 you, Ms. Mehling, for coming and testifying today. This is
12 exactly the kind of testimony that we need to hear from, and
13 so I do thank you for coming forward and highlighting some of
14 your concerns and concerns of your clients, which are, you
15 know, also representative of our clients, in a way, you know,
16 as we are partners in this. So a couple of follow-up
17 questions for you is you feel there are other problems? In
18 your testimony, you had kind of stated that. Can you
19 elaborate on that, outside of the labor shortage?

20 MS. MEHLING: I think the labor shortage is -- seems
21 like it's the primary issue. I do think that there is a
22 communication issue within the department. When you have
23 people who are assigned to very specific roles, and there's
24 not crossover training and people knowing what the others are
25 doing, if somebody goes out, which is what happened, then

1 nobody can answer the question about what's going on, what we
2 need to do to advance something. And like I said, Layne was
3 extremely helpful; he jumped into the middle of it. His
4 deputy director also tried to jump into the middle of it, but
5 by that point, there wasn't anything that we could do. So,
6 you know, the pandemic is impacting all of us, but I certainly
7 can't miss a court deadline because somebody's out; I'm -- my
8 staff and my team is expected to kind of know what's going on.
9 And so I think that there's -- right now, there's something
10 lacking in that internal communication where there's crossover
11 training, so somebody else can help, and that very well may be
12 the shortage of staff. If you don't have enough people to get
13 cross-training, then it's impossible to do it.

14 COMMISSIONER PATEL: Okay. Well, thank you for
15 that. And I know that the department is working on
16 streamlining some of the processes and making sure that -- you
17 know, as we have a labor shortage, we're also utilizing
18 technology and some of those systems in order to assist in
19 getting some of this stuff done faster. So, you know, we have
20 been, I know, in the department working on that, and I know
21 Layne has kind of highlighted some of those things that will
22 help in the future. Of course, for you, your need is
23 immediate, and we'll look into, you know, how we can assist
24 going forward getting you on the agenda. If that's something
25 that we need to look into internally, you know, I think Layne

1 is definitely gonna have some further clarification here in a
2 few moments.

3 In terms of the redundancy, though, you talked about
4 there's redundancy in you providing information over and over
5 again. Is that -- is that the case also?

6 MS. MEHLING: The -- it is partly the process. So,
7 somebody who has already been through the background process
8 still has to go through it again versus a cross-reference.
9 Now, some of the information that is submitted is valid for a
10 period of time, so if you submit within that period of time,
11 you don't have to redo a fingerprint or things like that, but
12 other pieces of it are not. So there's no mechanism within
13 the system that once somebody has been validated, that they
14 remain validated and that the only thing they do is update,
15 perhaps, their employment or some bit of information; instead,
16 we're resubmitting all of it all over again, and then it has
17 to be reviewed in its entirety. So the value of having
18 checked all of that information two, three, four, five
19 licenses ago goes out the window because the poor person who's
20 in licensing has to take it as if they've never seen it
21 before, and that's an insane amount of time that it takes to
22 cross-check all of that information.

23 COMMISSIONER PATEL: Okay. Well, thank you for that
24 and highlighting that. I appreciate, once again, your
25 testimony coming out.

1 And thank you, Chair, for the time.

2 CHAIR BOLOSAN: Thank you, Commissioner Patel.

3 Any from the commissioners?

4 (No response.)

5 CHAIR BOLOSAN: If not, can I have you, Director
6 Silva, to respond to this issue?

7 DIRECTOR LAYNE N. SILVA: Yes, absolutely. You
8 know, like I know that we've -- we've probably discussed this
9 a few times in the past, and Keri is exactly right, the -- the
10 process itself, it is -- every application that gets submitted
11 is reviewed in its entirety. There are a few items that are
12 time sensitive, whereas if applications are submitted within
13 the allotted time, that does expedite the process, you know,
14 quite a bit. But, again, we're falling back on staff
15 shortage, you know, and to be perfectly honest with you, it
16 all sounds like an excuse to me, but the reality is without
17 the warm bodies sitting in the seats actually looking at the
18 paperwork, it -- the effect is things take longer. The
19 intention is to have a centralized program so that, you know,
20 everybody or anybody in licensing can look at any document and
21 -- and recognize it and be aware of what the problem with it
22 was if there was a problem. But other than that, you know,
23 we're -- as of right now, we're trying to fill positions, you
24 know. And to be perfectly honest with you, I'm not sure how
25 much of it I can share as to what some of the situations are

1 because it may deal with personnel, but I totally sympathize
2 with the applicants. I try to be as involved as I can in
3 order to try to expedite the things that I'm aware of, but,
4 you know, other than that, there's really no clear explanation
5 other than lack of people.

6 CHAIR BOLOSAN: Okay. Thank you, Director Silva.
7 Commissioner Andrion, you have the floor.

8 COMMISSIONER ANDRION: Thank you, Mr. Chair.

9 This is a question to -- to Director Silva. You
10 know, when we're talking about cross-reference and we're
11 talking about time-sensitive materials that have to be in and,
12 again, with the repetitious things that need to be put on a
13 license, if the protocol is to have it updated, but your
14 priority or your system or the system that is available must
15 have all of these in place, how can -- how can we go -- is
16 there another way to get around that or do we have to go
17 through that system? Because that seems to be the problem,
18 from what I see, is that constant asking of the same materials
19 or the same qualifications or -- or the things that are in the
20 application that needs to be set. So if the priority -- or I
21 should say the method of putting in an application is A, B, C,
22 and D, and that has to be what it is, you can't deviate from
23 that. Is that what I'm hearing?

24 DIRECTOR LAYNE N. SILVA: I believe so. The
25 requirements, you know, are the requirements, so -- and even

1 though Keri is exactly right, you know, I know we've been
2 dealing with their applicants for -- for years, but every time
3 a license application is submitted, you know, you have to look
4 at the premises as a completely separate thing. Now, there is
5 a time period where background checks and fingerprints are
6 valid, so when applications are submitted within that
7 timeframe, then those informations that are available can be
8 utilized for cross-referencing. Once we come outside the
9 window of where it's allowed to be utilized, then you're
10 looking at every license application as if it was brand new
11 and you never saw it before and to include the people
12 involved. And, like I said, you know, I know these people,
13 they've been operating for years, but it doesn't change the
14 requirement once you reach that -- that timeframe. Once you
15 come outside of the window that's allowed, they all get looked
16 at like it's a brand new place you never saw before.

17 COMMISSIONER ANDRION: Okay. So -- so, Director
18 Silva --

19 I'm sorry, Jamie, just one more follow-up question.

20 VICE CHAIR BECRAFT: Understood.

21 COMMISSIONER ANDRION: So what you're saying -- so
22 if the cross-reference is possible, are you guys using that,
23 then, or are you guys just --

24 DIRECTOR LAYNE N. SILVA: Absolutely. Absolutely.
25 You know, and just for the lack of making it easier for the

1 staff as well as the applicant, we always try to make that our
2 first -- that's the first avenue, if -- anything that can be
3 used, will be used, but whatever cannot be used, things --

4 COMMISSIONER ANDRION: So when you say "cannot be
5 used," if the information that you guys are requesting are
6 outdated, then that's one of the --

7 DIRECTOR LAYNE N. SILVA: Yes.

8 COMMISSIONER ANDRION: -- problems that you guys
9 need to get an update on?

10 DIRECTOR LAYNE N. SILVA: Yes. Whatever needs to be
11 brought current needs to be brought current, yeah.

12 COMMISSIONER ANDRION: Thank you.

13 MS. MEHLING: Like, as an example of one of the
14 things they have to go through, when we do a personal history
15 statement, we have to list everything known to man that the
16 person has done, right? It's a very comprehensive form. If I
17 am 366 days from having submitted my last application, I have
18 to fill out that form and get original signatures from the
19 outset as if I have never been in front of liquor when 99.9
20 percent of the information that was on the preexisting form
21 and which was already approved is going to be the same. So
22 rather than just have it be like, here's the update, I have
23 done nothing in the last year, and here's my updated
24 background checks; no, I haven't been arrested for a DUI; no,
25 I haven't done anything criminal, thank you very much; my

1 fingerprints haven't changed. I mean, technology is good, but
2 it's not that good yet. So why do I have to go through all of
3 those processes again when really all I need to do is tell you
4 this one tiny thing has changed or nothing has changed and,
5 here, go verify it. So it's creating huge amounts of work for
6 these -- for the licensing staff that it shouldn't be.

7 And as Layne said, the example that he and I are
8 talking about are people who, I don't know, six-eight years
9 they've had licenses for multiple vessels, so, like, these
10 guys are not brand new to the game. So, you know, I get if
11 somebody's new, you've gotta figure out who they are, but this
12 isn't that case, and the rules are getting in the way, the
13 process is getting in the way of being able to serve people,
14 and it's also getting in the way of people being able to do it
15 timely.

16 CHAIR BOLOSAN: Okay. Vice Chair Becraft.

17 VICE CHAIR BECRAFT: Thank you, Chair. And -- and
18 Roberto, I'm sorry, I was -- your question pretty much is
19 where I was headed, and I appreciate your question, so I'm
20 gonna kind of go off that and meld with Ms. -- with Keri's --
21 with what her concerns are.

22 I know we are saying the words rules, now my always
23 question is: Are these past practice rules or is this -- or
24 is this an HRS that states you shall start over as though you
25 don't know these people? Because my always issue is that in

1 the -- and this isn't on Layne, but he's -- now, Layne, you're
2 now -- you're driving this boat. So if this is just, well,
3 this is how we've always done it, and this is our procedure,
4 that's what I'm wondering. Because I'm with her in this --
5 and I've been writing notes. Like for me, if I -- somebody
6 has done this eight years, I know that the department has the
7 ability to run a criminal check, you guys can do it as long as
8 you attach it to their new application, and you can run an
9 NCIC and -- and, boom, you can see whether or not they've been
10 arrested in the last year. So I'm -- I'm of the mindset also
11 that it can be a lot quicker instead of making me start all
12 over.

13 So, like, my question is: Is this past practice, or
14 is this Hawaii Revised Statutes stating "you shall"? Not --
15 not saying do -- you know, an interpretation, because if it's
16 being interpreted, we can interpret it the other way also, you
17 know, that we have the information on file and if they were
18 arrested ten years ago, they've already explained that away,
19 why have to explain that away again?

20 DIRECTOR LAYNE N. SILVA: You're right, when we're
21 -- if we're -- the document we're talking about is the
22 personal history statement. It's a requirement based on the
23 checklist. Now, some of the information required on that
24 document is state law is required when we're talking about a
25 criminal history background check, current fingerprints are

1 required, they do need to be submitted through the Hawaii
2 Criminal Justice Data Center. Those fingerprints -- or those
3 results are valid for two years. Any time within that
4 two-year window, those results can still be used. Once you
5 come outside of that two-year window, it goes right back to
6 square one; you need to be fingerprinted. Not to say that
7 there are not portions of the document that we could visit as
8 a department and a commission to look at possible ways of
9 maybe alleviating some of those issues for the repeat
10 applicants, but what -- I guess what's -- what ultimately is
11 happening is because the forms are designed to -- for anyone
12 to submit a license application -- so whether you've ever had
13 a license issued to you in the past within Maui County or not,
14 it's the same document. So we look at it -- you know, it will
15 -- this remedy that we're discussing would only apply to
16 previous applicants, people that have held liquor licenses in
17 the past where their current information would put -- still be
18 relevant. So that's -- that's kind of the -- what we're
19 looking at here as far as requirements.

20 VICE CHAIR BECRAFT: So -- so, Mr. Director, if I'm
21 hearing you correctly, the only thing that is required that
22 they repeat is fingerprinting by law?

23 DIRECTOR LAYNE N. SILVA: Well, the personal history
24 statement itself is required.

25 VICE CHAIR BECRAFT: Okay.

1 DIRECTOR LAYNE N. SILVA: It is a requirement to
2 submit the application.

3 VICE CHAIR BECRAFT: So if we wanted to --

4 DIRECTOR LAYNE N. SILVA: I'm sorry. Go ahead.

5 VICE CHAIR BECRAFT: If we wanted to readdress it,
6 if I'm hearing you correctly, they could still submit that,
7 and it could be as simplistic as nothing has changed since my
8 last eval, my last application, I have not been arrested or
9 had a contact with Maui or any police department in that time,
10 or create some type of verbiage that just says I'm clear,
11 which would then if you have the new application if I
12 understand the process correctly -- because to do an NCIC
13 check -- and for those out there who don't know what that is,
14 it's a criminal background check, and it's nationwide. You're
15 required by the federal government if you're gonna conduct
16 such a check that you can't just do so willy-nilly; you're not
17 allowed to just do Joe Schmo because you feel like it. If
18 you're gonna check, you have to attach it to something --

19 DIRECTOR LAYNE N. SILVA: Yes.

20 VICE CHAIR BECRAFT: -- so that it's a valid check.
21 So you -- to do the new NCIC, you'd have the new application,
22 and then that would give you instantaneously -- 'cause we did
23 -- you know, I've done it, I don't know how many times. I
24 mean, you do it right out on the road. You pull somebody over
25 for a reason, say run this guy, run an NCIC, because I have a

1 feeling that -- you know, he's from the mainland, and I want
2 to make sure he doesn't have a warrant anywhere. So you'd be
3 able to run that NCIC and validate that this person who you've
4 been dealing with for six years hasn't committed a crime in
5 the last year or two since his last or her last application.
6 So if that's what I'm hearing, that's -- that -- it falls into
7 place. Is that -- is that correct?

8 DIRECTOR LAYNE N. SILVA: You know, I -- honestly, I
9 couldn't answer that question; I'm not familiar with the NCIC
10 that you're talking about. Our requirement by state law is
11 that they be fingerprinted. As of right now, an applicant
12 whose previous criminal history record is no longer considered
13 valid is required to be fingerprinted. Now, there are
14 conveniences available, places like Field Print Hawaii where
15 it's being done digitally as compared to, you know, maybe ten
16 years ago where we were actually doing the ink roll, and it
17 took about a month for the results to come in. At this point,
18 it's being done digitally, and it takes about a day for the
19 results to come in, but that is something that is still
20 required by law. I couldn't answer about the NCIS or -- it
21 sounds like a TV show.

22 MS. MEHLING: But, Jamie, to get back to your
23 original question, there are a few things under HRS that are
24 required; there are other things under the HAR that are also
25 required. A large bulk of what we submit doesn't fall under

1 either of those and is an administrative process and, you're
2 right, the form could be altered to be my last submission on
3 X, nothing has changed, hugs and kisses, sign away, and that
4 would validate, you know. My last fingerprint card was X, so
5 I'm still within my two years; run NCIC on me, and I'm golden.
6 And all of that takes seconds as opposed to the half an hour
7 to review all of the detail that somebody would have to do.
8 And, yes, does this only apply to somebody whose already
9 within the system? Yeah, but people switch companies all the
10 time, so it could follow somebody through companies, you know,
11 once you've done it, which would alleviate a huge burden on
12 the licensing staff so that things that are brand new that
13 they do have to look at every little detail, they have more
14 time to do it.

15 DIRECTOR LAYNE N. SILVA: And, yeah, that's exactly
16 true, and that is something that between the department and
17 the commission, we could look at closely as far as, you know,
18 maybe what we can implement to -- to, you know, utilize
19 something like that.

20 CHAIR BOLOSAN: Okay. Commissioner U'u, followed by
21 Commissioner Andrion.

22 COMMISSIONER U'U: Yeah. And running off that note,
23 you know, again, starting the new year 2022, I think that's
24 the first thing we need to look at as far as the goal-setting
25 for 2023. So any way we can pick for a change, the in-house,

1 whatever needs to be on the commission side, I would love to
2 do. And I would also love to hear one perspective -- again,
3 not at this time -- on what side effects we might have if we
4 change, just to -- not be devil's advocate, but just to check
5 two sides. But I would love to find one solution moving
6 forward and, again, the sooner, the better. The goal was --
7 in joining the commission was exactly that, Keri, to help
8 streamline, to be more customer-oriented, and -- and some
9 parts will fall on the commission, and if it does, I think we
10 need to take some action on this. So, again, thank you.

11 CHAIR BOLOSAN: Thank you, Bruce.

12 Commissioner Andrion.

13 COMMISSIONER ANDRION: Mr. Chair, thank you. And
14 I'm in the same line with -- with Commissioner U'u. If there
15 is something that we can take a look at as far as the policies
16 not going outside of the law and nothing coming back to the --
17 the department as far as going outside of the law. If we can
18 actually take a look at policy, Layne, and see which can be
19 shortened or not -- I don't want to use the word "delete,"
20 but, you know, just to move things over a little quicker, I
21 think that that needs to be done as long as we are within our
22 jurisdiction or our area of operation in the sense that we
23 don't go outside of the law. And I think that is the most
24 important point that I need to get across is to take a look at
25 the way we're doing things, and if there's something that we

1 can shorten it so that it can help the licensee, then we
2 should take a look at that.

3 DIRECTOR LAYNE N. SILVA: Absolutely. I think the
4 word you're looking for is streamline, and, yeah, that is the
5 goal. What we'll do on our end is I'll get together with
6 corp. Counsel and we'll take a close look at what -- you know,
7 what -- because like you said, the -- ultimately, we do need
8 to stay within -- within law, we do need to stay within what
9 is required by law, but if there are ways that -- that we can
10 streamline, yeah, yeah, we definitely need to look into that.

11 CHAIR BOLOSAN: Okay. Thank you.

12 Vice Chair Becraft, followed by Commissioner Patel.

13 VICE CHAIR BECRAFT: Thank you, Mr. Chair.

14 I have a couple of suggestions. I know we can't go
15 too far in discussing this because it hasn't been agendized.
16 I was wondering if our commissioners would be willing to have
17 a special meeting to try and help out this situation. If
18 Layne says that it can be done if they -- if she can get
19 agendized for sometime next week so that they don't have to
20 wait an additional month for her licensee. So maybe we can --
21 you know, we can help out in that area. And on that agenda,
22 not only have her whatever licensees that she needs to have
23 put on that agenda, but also agendize that -- I appreciate
24 what Layne is saying, get together with corporation counsel,
25 but I would like to have -- if those who represent the

1 licensees, be it attorneys or private, would like to come in
2 and give us what their views are on -- it might be a lot
3 faster, because they're gonna be the ones that can say, This
4 process here doesn't need to be there, and we can at least see
5 their points of view. And then we can all as a group hash out
6 what -- what can be streamlined or what -- you know, some of
7 it, like fingerprinting, apparently that, you don't have a
8 choice, right, the law says every two years you've got to be
9 fingerprinted. And then that way, we can help, you know, help
10 the situation because, obviously, streamlining helps everyone.
11 We want the licensees not to lose money and not to be delayed,
12 and we also don't want our short staff to be overburdened
13 with, you know, double, triple the work. It may -- the whole
14 thing doesn't make any sense, but -- I was just wondering, Mr.
15 Chair, I'd throw it at you. I would make a motion that we try
16 to set up a special meeting to address these issues as I know
17 we have to give at least six days, but I throw that out for
18 everybody's input. Thank you.

19 CHAIR BOLOSAN: Thank you, Vice Chair.

20 Commissioner Patel.

21 COMMISSIONER PATEL: Thank you, Chair. And just to
22 follow up on Jamie, I was gonna propose something similar for
23 a special meeting to kind of sit down and look at the
24 administrative process and see where we can perhaps streamline
25 it to make it more efficient. I'm up in the air on the idea

1 of allowing, you know, certain stakeholders to be present
2 there. I'd like the internal review myself first, just to
3 kind of see where we're at and then be able to move forward
4 from there. But, yeah, either way, I'm fine with that. I
5 guess for me is, are we -- can we see about -- are we
6 confident, Layne, that by next -- next meeting, like that we
7 would be able to have on the agenda the clients that Ms.
8 Mehling is talking about? Are we at that point where that --
9 at least that could happen so that they're not waiting another
10 month even after the February meeting or --

11 DIRECTOR LAYNE N. SILVA: I would have to check with
12 Kari Yoshizawa. I -- I'm on the understanding that everything
13 that was needed to be submitted is, but I cannot say that for
14 a fact because I don't know that for a fact, but I believe so.

15 COMMISSIONER PATEL: 'Cause it seemed like they
16 were, you know, looking forward to this meeting being the one
17 where it was gonna get approved and for whatever reason, it
18 wasn't, and now it's a whole 'nother -- as you know, we don't
19 meet again until next -- next month. So okay.

20 DIRECTOR LAYNE N. SILVA: And I -- and I -- if I
21 may, one thing I -- I think that could be helpful is, you
22 know, some of the key stakeholders, Keri, you know, the
23 regulars, they can submit suggestions or recommendations in
24 writing to the department, and these are things that we can
25 include in -- in a review if that's the direction we're going

1 in.

2 COMMISSIONER PATEL: Yeah, I think that's --

3 MS. MEHLING: I would be happy to do that. My staff
4 and I will put together a list and send it over to Layne as
5 just discussion points so that you're aware of some of what
6 our concerns are. I'm happy to do that.

7 COMMISSIONER PATEL: Thank you.

8 DIRECTOR LAYNE N. SILVA: So, yeah, I think that --
9 you know, as long as having sufficient amount of time to -- to
10 review and to come up with a game plan, yeah, we can go that
11 route.

12 CHAIR BOLOSAN: Go ahead, Vice Chair Becraft.

13 VICE CHAIR BECRAFT: Mr. Chair, Jamie. Thank you.
14 I just want to ask if -- well, I guess I -- I would like to
15 make a motion that we hold a special meeting to address the
16 licensees' applications that the director says he does believe
17 are complete, if -- I'd like to make a motion that we set a
18 date within --

19 COMMISSIONER PATEL: I think Jennifer has a --

20 CHAIR BOLOSAN: Yeah, okay. Go ahead, Corp. Counsel
21 Jen.

22 MS. MEHLING: You're muted.

23 VICE CHAIR BECRAFT: You're muted.

24 CORP COUNSEL OANA: Thank you. Hi. You know, how
25 about you and Chair and Layne and I get together and decide --

1 you know, check with Layne to see if all the documents have
2 been submitted, if they're ready to go, and then we can send
3 out an email to all the commissioners polling them for a time.
4 But setting it now might be premature, but we can do that, you
5 know, immediately after this meeting.

6 CHAIR BOLOSAN: Thank you, Corp. Counsel Jen. Did
7 that settle with all?

8 VICE CHAIR BECRAFT: That works either way. I was
9 gonna suggest that we set a date and that if we couldn't get
10 --

11 CHAIR BOLOSAN: Yeah.

12 VICE CHAIR BECRAFT: If Layne was to tell us, oh,
13 no, the people were not pau --

14 CHAIR BOLOSAN: Yeah.

15 VICE CHAIR BECRAFT: -- then, of course, we could
16 just cancel it, we wouldn't have to -- we wouldn't have to set
17 the agenda. But either way works with. I'm fine with that we
18 can get together afterwards.

19 CHAIR BOLOSAN: Okay. I think as long as we are
20 acting on it very quickly, I would rather to follow Corp.
21 Counsel Jen's suggestion.

22 So, Jen, can you come up more of -- pretty much
23 added to what you just have said?

24 CORP COUNSEL OANA: So, you know, Chair Bolosan, we
25 can meet with Layne after this meeting and check on the status

1 of -- of those applications. If they're ready to go, we can,
2 you know, poll the commissioners in an email asking for
3 available dates and then, you know, as long as we can do the
4 agenda six days before that date, then we can set the meeting
5 if you're okay with that.

6 CHAIR BOLOSAN: Okay. For the chair, that sounds
7 very good for me.

8 Before we let you go out, Ms. Mehling, is there any
9 more other comments that you want to -- I give you the floor
10 before we --

11 MS. MEHLING: No. I appreciate your time. I did
12 not mean to hijack your agenda this morning.

13 CHAIR BOLOSAN: No.

14 MS. MEHLING: So thank you for your time and, again,
15 thanks to Layne, because he took some rather unhappy phone
16 calls from me last week, and I appreciate that he was willing
17 to do that.

18 CHAIR BOLOSAN: Oh, thank you both. Thank you,
19 everyone. Okay. Thank you.

20 So I'm gonna call on -- okay. Go ahead,
21 Commissioner Patel.

22 COMMISSIONER PATEL: I think Dave chatted --
23 Jorgenson -- that he would need to make a statement as well,
24 Chair.

25 COMMISSIONER U'U: Testify.

1 COMMISSIONER PATEL: Testify.

2 CHAIR BOLOSAN: Okay. Dave, you can go ahead. Are
3 you here?

4 MR. JORGENSEN: Good morning. First, I want to
5 thank Keri for speaking up, and I also want to thank Layne and
6 the staff for, you know, the efforts they're trying to make.
7 I just wanted to note real briefly -- and not to bootstrap or
8 piggyback on somebody else, but I know I have a file -- you
9 know, there's several of us who have files that are in various
10 states of similarity to what Ms. Mehling has. So I -- I guess
11 my question, my caution, my concern is if you guys have a
12 special meeting to put Keri's client on the agenda to get them
13 in, what about the rest of the applicants who are in similar
14 situations? And I don't mean in any way to make your guys'
15 lives more difficult or the staff's lives more difficult. My
16 situation is, you know, we submitted less long ago than Keri,
17 but because of staff shortages, we've -- I was just informed
18 yesterday that there's an issue. It's not on the -- it wasn't
19 on the agenda for today. The issue that I was told about, I
20 was told informally, is not a problem, but now it may be a
21 problem. But that client is in the same situation, trying to
22 move ahead, trying to get a restaurant in Paia open, the old
23 Da Sutz space, and is not on the agenda until maybe February.
24 And it's a technical issue about, you know, the IDs and the
25 names on the IDs, but, you know, it's something that should be

1 able to be, I would think, easily resolved within the
2 department. But my point is, please keep in mind that Keri's
3 client is not the only one in this situation; that's all I
4 wanted to say.

5 CHAIR BOLOSAN: Thank you, Dave.

6 Would you like to respond to Dave's item, Director
7 Silva?

8 DIRECTOR LAYNE N. SILVA: You know, I'm sure there
9 are other situations, you know, similar things that may need
10 to be addressed. I couldn't answer for every application
11 that's in licensing right now, 'cause I don't know, you know,
12 as far as what state each item is in at this time, but, I
13 mean, that is something, you know, we can take a look at as
14 far as reasons or what the abilities are to move things
15 forward or where they're actually at, what state they're in.

16 CHAIR BOLOSAN: Thank you, Director.

17 Dave, are you finished?

18 MR. JORGENSEN: Yes. Yes, I am, and thank you.
19 Thank you for letting me provide my input; I appreciate it.

20 CHAIR BOLOSAN: Okay.

21 MR. JORGENSEN: I'm sorry. If I can, if I can, I
22 know that myself and I've had discussions with the director
23 and others -- and I can't really speak for others like Craig
24 Nakamura, Peter Horovitz, Kristine Tsukiyama, but all of us
25 are ready, willing, and able to assist in any way we can as

1 Keri said, happy to provide, you know, comments. Commissioner
2 Becraft has asked before on the record and, you know, asked
3 for people to make comments, other commissioners have. We are
4 all happy to be part of the solution and not just -- you know,
5 not just burdening you guys with the complaints. The staffing
6 problem is -- is something that the department is working on
7 and that -- that will help get a lot of these things resolved;
8 it's just simply a lot of times a question of manpower and not
9 having enough warm bodies in the building. So, anyway, that's
10 it. Thank you.

11 CHAIR BOLOSAN: Thank you, Dave.

12 Commissioner Patel.

13 COMMISSIONER PATEL: Yeah, that was a -- that was my
14 follow-up to Dave, was, you know, if he could provide,
15 similarly as Keri is, some recommendations. And, yeah, if
16 you, you know, as an industry you wanted to get together and
17 say, Hey, here's where we think the process can be streamlined
18 and where things are redundant, then it would help in that
19 special meeting that is -- is gonna be happening.

20 And I agree with you, Dave, that, yes, you probably
21 -- you've mentioned that you have similar clients and
22 situations, so, yeah, I think we all, when we do have this
23 meeting, need to be clear about that. And perhaps Layne can
24 look at, you know, instances where if we're gonna hold this
25 personal meeting and can approve licensing or agendize and put

1 people on, that we do it fairly and that we allow others to
2 also be in that space, not just Ms. Mehling's client. So
3 that's my input for that.

4 CHAIR BOLOSAN: Thank you.

5 COMMISSIONER PATEL: And, yeah, the issue with warm
6 bodies, that's -- that's not just the liquor commission,
7 that's all island. You know, that's been happening -- even
8 the licensees, the feedback from that is, you know, they had
9 to get their license, but they can't even open regular hours
10 because they don't have staff, right? So it's a burden on the
11 whole island right now and probably nationwide, so let's do
12 what we can.

13 CHAIR BOLOSAN: Okay. Vice Chair Becraft.

14 VICE CHAIR BECRAFT: Thank you, Mr. Chair. In
15 regard to Mr. Jorgenson adding on like he had similar
16 situations, again, I appreciate that Keri came forward in her
17 situation and that -- you know, that's why we're gonna try and
18 step up and help, you know, everybody. Everybody here, the
19 director, everybody's trying to move forward and to be
20 helpful. There's a lot of things in the past that have been
21 past practice that we do need to look at. You know, in all
22 fairness to the director, you know, I have solicited -- not
23 Keri, I haven't met her, but I have solicited Dave more than
24 once from the time I was first on this board and asked that we
25 get input from those who represent the licensees and we really

1 haven't gotten any. So I don't feel like us having a special
2 meeting is burdening anybody. If anybody has issues that
3 they'd like to bring up to us and then -- you know, then we
4 can try to help. I'm not gonna personally worry about those
5 things that I've never been told about, and I'm not gonna feel
6 about -- feel that I'm being prejudiced in any way or being
7 favoritism because I certainly am not. I don't believe
8 anybody on our board has any favoritism in them. But if
9 there's issues, Dave, that you've got, that you do have and
10 you'd like to bring them up to -- to us and if we can help,
11 I'm certain that our board's already shown that we're willing
12 to help and we want -- we want to be part of the solution, and
13 we're willing to look at our rules and stuff.

14 So I would encourage you and encourage all of your
15 fellow people that represent licensees to go ahead and take
16 the time to write out things. We're not gonna be able to fix
17 everything; some things are law, some things can't be done,
18 but if we get that outline and we'll look at it, I can promise
19 you that, and we're gonna try to streamline it. So for right
20 now, for the rest of the members, you know, I say we address
21 Keri's situation. If Dave wants to get on it, call today and
22 talk to Layne and send him stuff. And if Layne can get
23 something on that agenda, also that may be helpful for him,
24 then great. But, you know, I think, if I was listening to the
25 verbiage correctly, I think Keri's client has been at it for

1 longer than what Dave was representing, because I think his --
2 the way I read it -- or heard it was that that client was
3 within the last month and just didn't make it this time. So
4 I'm not sure, but, again, I'm more than -- you know, I'm -- I
5 can speak for our commission, we're all willing to help, so --
6 but we have to know the problem, you know, and not at the last
7 second where we're like we're not being fair because I believe
8 -- I, again, will speak for everyone, everyone here is trying
9 to help, so -- including the director. So that's all I have.
10 Thank you.

11 CHAIR BOLOSAN: Thank you, Vice Chair.

12 Any more from the commission?

13 COMMISSIONER DE MELLO: (Gesturing.)

14 CHAIR BOLOSAN: Commissioner De Mello.

15 COMMISSIONER DE MELLO: Hi. I believe Jennifer had
16 brought out that, you know, to go over whatever complaints --
17 applicants, the four of you, yourself, and with Jamie and with
18 Layne. So if you guys can get that going and then, of course,
19 email us the dates for availability, because we have this
20 whole agenda we've gotta go through yet.

21 CHAIR BOLOSAN: Yes.

22 COMMISSIONER DE MELLO: So, yeah, moving forward.

23 CHAIR BOLOSAN: Okay. Thank you very much. Thank
24 you for reminding us. Okay, all right. I think we should
25 conclude on this one here, I think.

1 Then we're gonna be moving on for any other
2 testifier, Maria, if we do have any?

3 MS. KHANGSENGSING: I'm looking at the chat area. I
4 don't see any --

5 CHAIR BOLOSAN: Okay.

6 MS. KHANGSENGSING: -- anyone signed up.

7 CHAIR BOLOSAN: Any on phone, phone call at all?

8 MS. KHANGSENGSING: There's no phone calls.

9 CHAIR BOLOSAN: Yeah. If not, then with no
10 objection, I would like to close public testimony.

11 (No response.)

12 CHAIR BOLOSAN: Okay. Moving on on the approval of
13 the minutes, the chair will entertain a motion to approve the
14 minutes of the December 8, 2021, regular meeting and December
15 14, 2021, special meeting. Anyone would like to move a
16 motion?

17 COMMISSIONER DE MELLO: I'll make a motion. De
18 Mello.

19 CHAIR BOLOSAN: Okay.

20 COMMISSIONER DE MELLO: To accept the minutes for
21 December 8th and the 14th.

22 CHAIR BOLOSAN: Okay.

23 VICE CHAIR BECRAFT: Mr. Chair, I second that
24 motion.

25 CHAIR BOLOSAN: Okay. Vice Chair seconded the

1 motion. Moved by Commissioner De Mello.

2 Okay. I would like to call for the vote. Those who
3 are in favor, say aye -- I mean, hang on.

4 Commissioner Andrion.

5 COMMISSIONER ANDRION: Aye.

6 CHAIR BOLOSAN: Vice Chair Becraft.

7 VICE CHAIR BECRAFT: Aye.

8 CHAIR BOLOSAN: Commissioner De Mello.

9 COMMISSIONER DE MELLO: Aye.

10 CHAIR BOLOSAN: Commissioner U'u.

11 COMMISSIONER U'U: Aye.

12 CHAIR BOLOSAN: Commissioner Boswell.

13 COMMISSIONER BOSWELL: Aye.

14 CHAIR BOLOSAN: Commissioner Ruidas.

15 COMMISSIONER RUIDAS: Aye.

16 CHAIR BOLOSAN: Commissioner Patel.

17 COMMISSIONER PATEL: Aye.

18 CHAIR BOLOSAN: And the chair votes aye.

19 Motion passes.

20 We're gonna go -- moving on to the general licensing
21 matters, requesting confirmation of Item A through M. May I
22 have a motion for confirmation?

23 COMMISSIONER PATEL: I make a motion, Chair, for
24 confirmation of the General Licensing A through G -- or, I'm
25 sorry, A through M.

1 CHAIR BOLOSAN: Second?

2 COMMISSIONER U'U: Second.

3 COMMISSIONER DE MELLO: De Mello. Second.

4 CHAIR BOLOSAN: Okay. I think Bruce seconded that
5 motion. Okay. And I'm gonna call again for the vote.
6 Vice Chair Becraft.

7 VICE CHAIR BECRAFT: Aye.

8 CHAIR BOLOSAN: Commissioner Andrion.

9 COMMISSIONER ANDRION: Aye.

10 CHAIR BOLOSAN: Commissioner De Mello.

11 COMMISSIONER DE MELLO: Aye.

12 CHAIR BOLOSAN: Commissioner U'u.

13 COMMISSIONER U'U: Aye.

14 CHAIR BOLOSAN: Commissioner Boswell.

15 COMMISSIONER BOSWELL: Aye.

16 CHAIR BOLOSAN: Commissioner Ruidas.

17 COMMISSIONER RUIDAS: Aye.

18 CHAIR BOLOSAN: Commissioner Patel.

19 COMMISSIONER PATEL: Aye.

20 CHAIR BOLOSAN: And the chair votes aye.
21 The vote is unanimous. The motion passes.
22 We're moving on. Preliminary Hearing, Application
23 No. 06, Ohana Beverage Company, LLC doing business as Ohana
24 Beverage Company. Will the applicant state your name and
25 position?

1 MS. TSUKIYAMA: Good morning, Chair Bolosan,
2 Commission Members, Director Silva, and Department Staff. My
3 name is Kristine Tsukiyama, attorney for Ohana Beverage
4 Company, LLC. And with me this morning is Elizabeth Haak, she
5 is one of the members and owners of the company.

6 CHAIR BOLOSAN: Okay. Thank you.

7 Can I have Marc read the applications?

8 LCO WEISENFELD: Yes. Application No. 06, the
9 applicant is Ohana Beverage Company, a limited liability
10 company, doing business as Ohana Beverage Company, applying
11 for a wholesale general license.

12 Members, agent, and organizers of the member-managed
13 limited liability company are listed in the investigator's
14 report.

15 The proposed premises is a single-story warehouse
16 located in the James M. Pagan Building located at 173 Alamaha
17 Street, Unit 5, Kahului, Maui, Hawaii.

18 There are no schools or churches located within a
19 radius of 500 feet.

20 There is one wholesale beer and wine and one retail
21 general license located within a radius of 500 feet.

22 There are four licenses of this kind in -- class and
23 kind currently issued within Maui County.

24 The applicant plans to be open Sunday through
25 Saturday, 24 hours a day.

1 All documents are -- necessary for the issuance of a
2 liquor license have not been submitted.

3 The -- there's an update to this report. The
4 investigator's report dated January 3rd -- January twenty --
5 January 3rd, 2022, inadvertently left out the lease agreement
6 information submitted by the applicant. The applicant has
7 submitted a copy of an executed First Amendment of Space lease
8 executed as of the 26th of August twentieth -- 2020, by and
9 between Pauletta Dang Ewan, as Successor Trustee of the Henry
10 Chun Hook Dang Revocable Trust Dated July 15th, 1976 (here-
11 after called the lessor), and Ohana Beverage Company, LLC, a
12 Hawaii limited liability company (hereafter called lessee).

13 That's it for that one.

14 CHAIR BOLOSAN: Thank you, Marc.

15 Kristine, do you have anything else to add?

16 MS. TSUKIYAMA: Not at this time, Chair. Thank you.

17 CHAIR BOLOSAN: Thank you.

18 Now I have the floor open for public testimony. Do
19 we have any, Maria?

20 MS. KHANGSENGSING: No, nobody signed up to testify
21 for this applicant.

22 CHAIR BOLOSAN: Okay. Thank you, Maria.

23 Any question from the members of the commission?

24 VICE CHAIR BECRAFT: (Gesturing.)

25 CHAIR BOLOSAN: Vice Chair Becraft, go ahead.

1 VICE CHAIR BECRAFT: Mr. Chair, I'd like to make a
2 motion to approve Preliminary Hearings No. 06.

3 CHAIR BOLOSAN: Moved by Vice Chair Becraft. Anyone
4 second it?

5 COMMISSIONER ANDRION: Bobbie Andrion. Second
6 Application No. 06.

7 CHAIR BOLOSAN: Commissioner Andrion seconded.

8 I'm gonna call for the vote. For those people that
9 -- in favor of the motion, say aye; opposed, say nay.

10 Vice Chair Becraft.

11 VICE CHAIR BECRAFT: Aye.

12 CHAIR BOLOSAN: Commissioner Andrion.

13 COMMISSIONER ANDRION: Aye.

14 CHAIR BOLOSAN: Commissioner De Mello.

15 COMMISSIONER DE MELLO: Aye.

16 CHAIR BOLOSAN: Commissioner U'u.

17 COMMISSIONER U'U: Aye.

18 CHAIR BOLOSAN: Commissioner Boswell.

19 COMMISSIONER BOSWELL: Aye.

20 CHAIR BOLOSAN: Commissioner Ruidas.

21 COMMISSIONER RUIDAS: Aye.

22 CHAIR BOLOSAN: Commissioner Patel.

23 COMMISSIONER PATEL: Aye.

24 CHAIR BOLOSAN: And the chair votes aye.

25 The vote's unanimous and motion passes.

1 Congratulations.

2 MS. TSUKIYAMA: Thank you very much, Commission.

3 VICE CHAIR BECRAFT: Good luck to you folks. And I
4 encourage you, Ms. Tsukiyama, to send us any suggestions to
5 help the process that you just went through.

6 MS. TSUKIYAMA: I will, and I appreciate the
7 invitation. We will definitely submit something in writing.

8 VICE CHAIR BECRAFT: Thank you.

9 CHAIR BOLOSAN: Thank you again.

10 Okay. We're gonna move on to Application No. 8,
11 Highgate Hawaii Concessions Company, LLC, doing business as
12 Royal Lahaina Resort.

13 Marc, can you -- oh, hang on.

14 Will the applicant state your name, please?

15 MR. ICHIKAWA: Good morning, Mr. Chair,
16 Commissioners, Mr. Silva. Robert Ichikawa appearing on behalf
17 of the applicant Highgate Hawaii Concessions Company, LLC,
18 doing business as the Royal Lahaina Resort. Along --
19 attending with me, I'd like to introduce Stephen Hinck, he's
20 the general manager for the property.

21 MR. HINCK: Aloha.

22 CHAIR BOLOSAN: Thank you. Thank you, Robert.

23 Okay. Marc, take it away.

24 LCO WEISENFELD: Okay. Application No. 08, Highgate
25 Hawaii Concessions Company, LLC, a registered Delaware limited

1 liability company, doing business as Royal Lahaina Resort
2 applying for a hotel license.

3 The managers and member of the member-managed LLC is
4 listed in the investigator's report.

5 The applicant has submitted a copy of an executed
6 hotel management agreement signed between Royal Lahaina,
7 owner, LP, a Delaware limited partnership (hotel owner or
8 owner), and Highgate Concessions Company, a Delaware limited
9 liability company (manager), effective December 9th, 2021.

10 The proposed premises containing approximately four
11 thousand -- 473,845.6 square feet and includes a tower of
12 hotel suites and beachside cottages, and a total of 450 hotel
13 rooms, a ballroom, swimming pools, and a beach bar located at
14 2780 Kekaa Drive, Lahaina, Maui, Hawaii.

15 There are no churches or schools located within a
16 radius of 500 feet.

17 There are no licenses of the same class and kind
18 located within a radius of 500 feet.

19 There is one restaurant license and one retail
20 license located within a radius of 500 feet.

21 There are 28 licenses of this class currently issued
22 within the County of Maui.

23 The applicant initially plans to be open seven days
24 a week from 12:00 a.m. to 11:59 p.m.

25 The application requests -- the applicant requested

1 that a temporary liquor license be issued effective December
2 9th, 2021.

3 I conducted an inspection of the premises on
4 December 7th, 2021.

5 All requirements have been met for the issuance of a
6 temporary liquor license -- a temporary liquor license to be
7 issued to the applicant, No. TEM-02, effective December 9th,
8 2021.

9 All documents necessary for the issuance of a
10 permanent liquor license have been submitted. These items are
11 listed in the investigator's report.

12 CHAIR BOLOSAN: Thank you, Marc. Thank you, Marc.

13 Robert, do you have anything else to add?

14 MR. ICHIKAWA: No, we have no further changes to the
15 report. Thank you, sir.

16 CHAIR BOLOSAN: Thank you.

17 The floor is open for any public testimony. Maria,
18 do we have any against or for this item?

19 MS. KHANGSENGSING: No, no public testimony for this
20 applicant.

21 CHAIR BOLOSAN: Okay. Thank you, Maria.

22 Any question from members of the commission?

23 COMMISSIONER ANDRION: Mr. Chair, seeing no
24 testimony, I'd like to have a motion to approve this
25 Application 08 for Highgate Hawaii.

1 CHAIR BOLOSAN: Okay. Moved by Commissioner
2 Andrion.

3 COMMISSIONER U'U: (Gesturing.)

4 CHAIR BOLOSAN: Second by Commissioner U'u.

5 I'm gonna call for approval. Those people who are
6 in favor of this motion, say aye; opposed, say nay.

7 Vice Chair Becraft.

8 VICE CHAIR BECRAFT: Aye.

9 CHAIR BOLOSAN: Commissioner Andrion.

10 COMMISSIONER ANDRION: Aye.

11 CHAIR BOLOSAN: Commissioner De Mello.

12 COMMISSIONER DE MELLO: Aye.

13 CHAIR BOLOSAN: Commissioner U'u.

14 COMMISSIONER U'U: Aye.

15 CHAIR BOLOSAN: Commissioner Boswell.

16 COMMISSIONER BOSWELL: Aye.

17 CHAIR BOLOSAN: Commissioner Ruidas.

18 COMMISSIONER RUIDAS: Aye.

19 CHAIR BOLOSAN: Commissioner Patel.

20 COMMISSIONER PATEL: Aye.

21 CHAIR BOLOSAN: And the chair votes aye.

22 The vote is unanimous, and the motion passes.

23 Congratulations.

24 MR. ICHIKAWA: Thank you very much.

25 VICE CHAIR BECRAFT: Congratulations. And, again,

1 Mr. Ichikawa, if you can -- if you have the time, please
2 submit any difficulties you may have seen in writing that
3 might help us to smooth out this process if you had any
4 problems.

5 MR. ICHIKAWA: Absolutely. I appreciate that.

6 We do have one more preliminary hearing, and then
7 I'll have some closing comments. Thank you.

8 VICE CHAIR BECRAFT: I appreciate it. Thank you.

9 CHAIR BOLOSAN: Thank you very much.

10 Okay. Hang on. Now we have -- hang on, please.
11 Bear with me. Hang on, please. Well, on my footnotes, I
12 don't have Application No. 9, but will the applicant come
13 forward, please?

14 MR. ICHIKAWA: Sure. Robert Ichikawa appearing on
15 behalf of Highgate Hawaii Concessions Company, LLC doing
16 business as the Royal Trading Company. It's the retail store
17 on property. Also joining me again is Stephen Hinck, the
18 general manager for the hotel.

19 CHAIR BOLOSAN: Okay. Thank you.

20 Marc, can you read?

21 LCO WEISENFELD: Application No. 09, Highgate Hawaii
22 Concessions Company, LLC, a registered Delaware limited
23 liability company, doing business as Royal Trading Company
24 applying for a retail general license.

25 The managers and member of the manager member -- of

1 the manager-managed LLC are listed in the investigator's
2 report.

3 The applicant has submitted a copy of a retail store
4 management agreement by and between Royal Lahaina (owner) LP,
5 a Delaware limited liability partnership, and Highgate Hawaii
6 Concessions Company, LLC, a Delaware limited liability
7 company, effective December 9th, 2021.

8 The proposed premises contains approximately 2,878
9 square feet and is located within the main building of the
10 Royal Lahaina Resort at 2780 Kekaa Drive, Lahaina, Maui,
11 Hawaii.

12 There are no schools or churches within a radius of
13 500 feet.

14 There are no licenses of the same kind located
15 within a radius of 500 feet.

16 There is one restaurant general and one hotel
17 license located within a radius of 500 feet.

18 There are 131 licenses of this class and kind
19 currently issued within Maui County.

20 The applicant initially plans to be open seven days
21 a week from 7:00 a.m. to 11:00 p.m.

22 I conducted an inspection of the premises on
23 December 7th, 2021.

24 All the requirements have been met for the issuance
25 of a temporary liquor license. A temporary liquor license to

1 be issued to the applicant, No. TEM-03, effective December
2 9th, 2021.

3 All documents necessary for the issuance of the
4 liquor license have been submitted. These items are listed in
5 the investigator's report.

6 CHAIR BOLOSAN: Thank you, Marc.

7 Robert, do you have any -- anything else to add?

8 MR. ICHIKAWA: No, sir, we have no changes to the
9 report. Thank you.

10 CHAIR BOLOSAN: Okay. And I do believe there's no
11 testifier for this application.

12 Any question for the members of the commission,
13 please?

14 (No response.)

15 CHAIR BOLOSAN: No question? If not, may I have a
16 motion for approval, please?

17 COMMISSIONER DE MELLO: Leon, I make a motion to
18 accept 09.

19 CHAIR BOLOSAN: Okay. Commissioner De Mello --

20 COMMISSIONER U'U: Second.

21 CHAIR BOLOSAN: -- made the motion. Second by
22 Commissioner U'u.

23 Okay. I'm gonna call for the vote. Those who are
24 in favor, say aye; opposed, say nay.

25 Vice Chair Becraft.

1 VICE CHAIR BECRAFT: Aye.

2 CHAIR BOLOSAN: Commissioner Andrion.

3 COMMISSIONER ANDRION: Aye.

4 CHAIR BOLOSAN: Commissioner De Mello.

5 COMMISSIONER DE MELLO: Aye.

6 CHAIR BOLOSAN: Commissioner U'u.

7 COMMISSIONER U'U: Aye.

8 CHAIR BOLOSAN: Commissioner Boswell.

9 COMMISSIONER BOSWELL: Aye.

10 CHAIR BOLOSAN: Commissioner Ruidas.

11 COMMISSIONER RUIDAS: Aye.

12 CHAIR BOLOSAN: Commissioner Patel.

13 COMMISSIONER PATEL: Aye.

14 CHAIR BOLOSAN: And the chair votes aye.

15 The vote is unanimous, and the motion passes.

16 Congratulations again, Robert.

17 MR. ICHIKAWA: Thank you very much, Mr. Chairman,

18 and thank you, Commissioners. You know, we just appreciate

19 the effort that the department has made on our application.

20 We understand the timeframe and everything they had to work

21 under, but under the director, Kari, Gene, and Marc did just

22 an amazing job to work on this, and so I thank them for that.

23 I was listening to the public testimony earlier, and

24 so on a personal note from me, I just feel grateful to hear

25 that the commissioners are open to working with the department

1 and, hopefully, the private sector to work together on it.
2 I'm gonna date myself, but I -- I've been working on
3 applications for -- since Layne's father, Frank Silva, was the
4 director, so it's been a while. But, you know, I think I'll
5 be glad to add any type of comments that would help to partner
6 with the department, with the commissioners, to just work
7 together and get things done. So I welcome that opportunity.

8 And I thank again Layne and his department on their
9 hard work. And thank you, Commissioners, for being open, and
10 it's very encouraging to hear that type of insight from the
11 commission. Thank you.

12 CHAIR BOLOSAN: Thank you, Robert.

13 Okay. We're moving on to the administrative
14 affairs. Can I call on director, Director Silva, to cover
15 this item?

16 DIRECTOR LAYNE N. SILVA: Thank you, Chair.

17 Yes, moving on to Item A of Administrative Affairs,
18 the Director's Monthly Report. Item No. 1 is an Update on the
19 Public Health Emergency Rules Effective January 8, 2022. What
20 has been changed or what's current is the definition of fully
21 vaccinated. Within Maui County, the definition of fully
22 vaccinated now requires a booster shot of the Pfizer or
23 Moderna vaccine as well as a booster shot after six months
24 after receiving the second dose, or a second dose of -- for
25 those that have taken the Johnson and Johnson, it's also

1 considered fully vaccinated after your second dose of either
2 the Moderna or the Pfizer, and that's what's changed. The
3 original effective date that was sent out in your packets was
4 scheduled to be January 10th, that has since been rescheduled;
5 it's been postponed to January 24th is when that'll take
6 effect.

7 Okay. And if no questions, moving on to Item No. 2,
8 Upcoming FBI Audit in January of 2022. Now, what this is,
9 it's a -- it's a regular audit. What it is, certain agencies
10 that are required to and are allowed to obtain criminal
11 history background checks, you know, in the course of their
12 business, the FBI comes around every so many years and picks
13 -- chooses these agencies at random, and they'll come by, and
14 they'll audit our process as well as our facility. These are
15 one of the things that we were touching on earlier during the
16 public testimony is the ability to take and store criminal
17 history background. You know, one of the requirements is that
18 we cannot accept a background check, or we cannot receive a
19 criminal history background on any individual that does not
20 have an application filed with the department. So, in other
21 words, like Commissioner Becraft touched on earlier, we cannot
22 just run a background check on whoever, whatever, for whatever
23 reason. We are only allowed to have criminal history
24 background checks involving an application that is actually
25 filed with the department. So that's just an update on what's

1 happening with that. It happens every so many years.

2 And then Item No. 3, an Update on the Online
3 Certification Exam and Training -- yes, Bobbie.

4 COMMISSIONER ANDRION: Just going back to the FBI
5 audit, is that -- is this audit a yearly audit or is this --

6 DIRECTOR LAYNE N. SILVA: It's not annually.
7 Typically, it's -- like I said, they choose a handful of
8 agencies that they'll do. I believe they do it annually, but
9 we're not audited annually.

10 COMMISSIONER ANDRION: So is this a random thing
11 that happens, they just pull something out of a hat or
12 something, and then they -- if a department gets picked, then
13 they go to that particular department?

14 DIRECTOR LAYNE N. SILVA: Yeah. I mean, I couldn't
15 -- I couldn't describe their process, but I believe that kind
16 of defines it a little bit, yeah, something along those lines.

17 COMMISSIONER ANDRION: Okay, all right. Thank you.

18 DIRECTOR LAYNE N. SILVA: Okay. And then moving
19 back on to the online certification exam and training, we're
20 about a month into that. It's very promising. We've been
21 receiving multiple compliments about that, that accessibility
22 that's been obtained by going online. At this time, like I
23 said, we're about a month in, so we're -- we're actively
24 working on -- we're finding the little glitches and things
25 that needs to be corrected at this point and making those

1 corrections as we go, but it seems to be being received very
2 positively, and I haven't heard anything negative about it
3 yet. We have been receiving compliments.

4 COMMISSIONER PATEL: (Gesturing.)

5 DIRECTOR LAYNE N. SILVA: Commissioner Patel.

6 COMMISSIONER PATEL: Thank you, Layne. Yeah,
7 appreciate the feedback on that. Just wanted to follow up
8 about approximately how many have gone through that process?

9 DIRECTOR LAYNE N. SILVA: Actually, you know, I wish
10 Jarrett was here, he would have that number --

11 COMMISSIONER PATEL: Okay.

12 DIRECTOR LAYNE N. SILVA: -- for you exactly, but
13 we're -- it's -- you know, we're averaging about a hundred a
14 month. I believe we're a little over a hundred so far.

15 COMMISSIONER PATEL: Wow, that's great. Good job to
16 you and your team.

17 DIRECTOR LAYNE N. SILVA: Thank you.

18 And that basically concludes the director's monthly
19 report.

20 CHAIR BOLOSAN: Okay. Thank you, Director Silva.

21 We're gonna move on to B, communications to county
22 agencies. These are for notification purposes. I believe we
23 all got copies of this in our packet, yeah, 1, 2, 3, written
24 testimony on the proposed charter amendments regarding to
25 liquor control commission and hearing officers. Also, a

1 letter to the mayor regarding the commission's support to the
2 department's budget dated December 10th, 2021. A written
3 report to Mayor Victorino and county council of the director
4 of liquor's annual evaluation dated December 15, 2021. I
5 believe we all have these in our packet.

6 I just wanted to touch a little of this. Is there
7 any addition to these letters from the commissioners that you
8 want to touch on before we move on to Item C?

9 (No response.)

10 CHAIR BOLOSAN: Okay. If not, we're gonna move on
11 to C, Discussion on Comments on Letter From the Salary
12 Commission Dated December 17 Regarding Its Meeting on Friday,
13 January 14th, At 8:30 to Review the Salary For Directors and
14 Deputy Director For Department of Liquor Control. I believe
15 we -- the director and Commissioner Patel attended this
16 meeting. Am I right? No?

17 COMMISSIONER PATEL: Yes. Well, so I attended not
18 the salary commission meeting, Chair, I attended the --

19 CHAIR BOLOSAN: Oh, sorry.

20 COMMISSIONER PATEL: -- the charter amendment
21 regarding the liquor control commission in terms of the
22 hearing officers and I testified on our behalf in person with
23 that. I don't know where that ended up. If Jennifer has any
24 update on that, hearings officers. I believe they were not
25 going to vote on it at that meeting, but I don't know, Layne,

1 if you were present and finished up what happened there
2 either, but --

3 DIRECTOR LAYNE N. SILVA: Jennifer, do you have -- I
4 received something in an email yesterday, but I don't know if
5 you have any update for it --

6 CORP COUNSEL OANA: I'm sorry, Commissioners and
7 Director, I don't have an update. I'm not -- I'm not keeping
8 up with that commission.

9 CHAIR BOLOSAN: All right.

10 DIRECTOR LAYNE N. SILVA: Well, just from an item
11 that I did see, it looks like they are going forward with the
12 proposal of the -- that hearings officer department. Whether
13 the department of liquor control is being exempt or not, that
14 part I do not know.

15 COMMISSIONER PATEL: And I did testify that we would
16 like to be exempt if they did, you know, move forward with
17 that, so --

18 COMMISSIONER U'U: Thank you, Sne. Appreciate it.

19 CHAIR BOLOSAN: Okay. Any more? If not, I'm gonna
20 move on.

21 (No response.)

22 CHAIR BOLOSAN: Okay. We're gonna go on. Item C,
23 Discussion and Comment -- Comments on Letter From the Salary
24 Commission Dated December 17th, 2021, Regarding Its Meeting on
25 Friday, January 14, At 8:30 to Review the Salary For Director

1 and Deputy Director For the Department of Liquor Control.
2 Office of the mayor had invited us to participate --
3 participate more into this meeting in the future. Is there
4 anything that you want to add on on this one?

5 I suppose you're updated on this one, Jen Oana. Can
6 you give us more updating to this item, please?

7 CORP COUNSEL OANA: So the salary commission is
8 charged with determining the directors' salaries, and for
9 those commissions who have appointing powers for the
10 department's director, they do ask the chair of those
11 commissions, so you folks, police commission, the civil
12 service commission, fire commission, they ask those
13 commissioners for their input and comments on the director's
14 salary, whether it should be increased or decreased. They do
15 want the chair to show up at their meeting.

16 And Maria did provide you guys a subsequent letter
17 that the salary commission sent to the chair. Basically, they
18 -- I think they moved their meeting date, or they are also
19 scheduling this item on the February 11th agenda, their
20 agenda, so it does give you folks time to discuss it. You can
21 discuss it today, what the commission as a whole's
22 recommendation should be for Director Silva and Deputy
23 Director Kahoochanohano's salary, and so if you guys can have a
24 discussion today.

25 The second letter that the salary commission sent

1 did want something in writing, but I think also wanted Chair
2 Bolosan to appear. So what I would like you guys to do is
3 discuss it, so maybe Chair Bolosan can craft a letter with all
4 of your comments, and then also when he appears at that
5 meeting, he can make your folks' representations. So he would
6 be speaking on your folks' behalf, so if you guys can discuss
7 and make comments, so Chair knows what to say to the salary
8 commission.

9 CHAIR BOLOSAN: Okay. Thank you, Jen.

10 Any recommendation? Who wants to take the first
11 crack on this, Commissioners?

12 COMMISSIONER DE MELLO: Is it just the chairman that
13 attends this, or it's the chairman and the vice chair, Jen?

14 CORP COUNSEL OANA: I believe their letter asked for
15 the chair. I'm trying to read really quickly, but I think
16 it's the chair, but with a letter from the whole commission.

17 CHAIR BOLOSAN: Yes. I was called by that
18 department asking inputs from every commissioner, though, you
19 know.

20 COMMISSIONER DE MELLO: Okay.

21 CHAIR BOLOSAN: So any thoughts from the
22 commissioners would be welcome just so we can actually go in
23 and ask.

24 CORP COUNSEL OANA: And if you guys don't have a
25 comprehensive opinion or comment, you know, like Chair Bolosan

1 said, he can take notes down, one commissioner commented this,
2 one commissioner commented that just so he can make all of
3 your folks' representations to that commission.

4 COMMISSIONER U'U: Well, for me, I'm just pleased
5 with the -- the direction of the director. I'm happy that --
6 in working with him, I think the director is open-minded and
7 made changes. It shows in his evaluation how we feel about
8 him, and I think -- I think we got more to accomplish, and I
9 think with him in place, I think we can get the things we
10 wanted to do to get to the goals that we set prior to
11 accepting these roles as commissioners, as a commissioner
12 myself. That's what I -- that's my two cents. I'm very
13 pleased.

14 CHAIR BOLOSAN: Thank you.

15 COMMISSIONER DE MELLO: I'll give my two cents on,
16 Bruce, what you just stated. He came a long way.

17 COMMISSIONER ANDRION: So, Mr. Chair, I've got a
18 question. Bobbie Andrion.

19 CHAIR BOLOSAN: Go ahead, Commissioner Andrion,
20 followed by Commissioner Patel.

21 COMMISSIONER ANDRION: So am I -- am I to believe
22 that we are putting our opinion if there should be an increase
23 or a decrease in the director's salary, is that -- is that
24 what this conversation is about?

25 CHAIR BOLOSAN: Thank you, Commissioner Andrion.

1 Corp. Counsel Jen, can you help me out on this issue
2 right here?

3 CORP COUNSEL OANA: Yes. So the salary commission
4 is charged with determining the -- the salaries for the
5 director and deputy director, and in their determination of
6 their compensation, they do want to reach out to the
7 commission that is in charge of hiring the director, so they
8 do want your comments. But it is -- and I've never sat
9 through one of these commission meetings before, but I'm just
10 guessing that it is gonna be a meeting to determine whether
11 the director should get a raise or not.

12 CHAIR BOLOSAN: Okay.

13 COMMISSIONER ANDRION: Okay. Thank you, Jen. Thank
14 you. Okay. Let me -- let -- then, Commission Chair, can I
15 have the floor? I'll open up the discussion, then?

16 CHAIR BOLOSAN: Yeah. Go ahead, Commissioner
17 Andrion.

18 COMMISSIONER ANDRION: If I could, and, you know,
19 I'm one of the individuals that think that everyone should
20 have a raise whenever a job is there, and I think every job
21 that we hold. And to keep up the cost of living, people
22 should -- should always have a raise. But saying that, I'm
23 not -- at this time, I'm not for having a raise for the
24 director. And I don't -- please don't hold me bad on this,
25 and this is my reasoning for this: You guys know that the

1 pandemic is always the issue and, secondly, what I'm looking
2 at there is if there is a shortage of work or workers that we
3 need in the department, I think that should be focused on so
4 that we can get the help that we need so that we can move
5 things a little faster. I don't know if by saying no right
6 now, this -- where this is gonna take us if it's gonna be for
7 the next three years if it's gonna be for how long it is, but
8 I think the focus, the focal point, I think, is to get more
9 people into the department and when that is done, we can see
10 that we are moving forward with a lot of licensees, then we
11 should take into consideration an upgrade or an increase in --
12 in the salaries. That's my humble opinion. That's just my
13 opinion. I'm just looking at it as a whole for the
14 department, so it doesn't look bad from the outside looking
15 in, but that's just my thoughts.

16 CHAIR BOLOSAN: Thank you, Commissioner Andrion.
17 Commissioner Patel, followed by Commissioner U'u.

18 COMMISSIONER PATEL: Thank you, Chair. I believe
19 Layne's done a great job, and, you know, he just started
20 getting on board with the position, but definitely shown that
21 he's more than capable and is, you know, in sync with the
22 vision we all share in moving forward as a whole. So, you
23 know, in terms of raises, I always like to reward good work,
24 and one of the things is there is a staff shortage, which also
25 means that those individuals that are working in the positions

1 currently are doing more work. So when you're looking at a
2 salaried position, it doesn't matter if you work X hours or
3 what; you're probably making the same base pay, correct?

4 The other part of this is for me, as I look at some
5 of the economic indicators where inflation is rising 7 to 10
6 percent, probably, the numbers just came out, the 7 percent
7 for sure in certain sectors and areas, so, you know, your
8 salary of what it was last year or before is not going to --
9 you know, in terms of cost of living, it's gonna be a decrease
10 if you know what I mean. So in keeping up with inflation, I
11 do feel that probably a 3 to 5 percent recommended salary
12 increase is in line with probably what other places are gonna
13 be doing, you know.

14 Even when I look at ads for Target, Wal-Mart, for
15 people coming in, they're increasing their salaries just to
16 get people in 'cause it's getting hard to live on Maui, as you
17 all know. So if we can as a commission move forward with a
18 salary -- I mean, a recommended salary increase for the deputy
19 director and the director, I would -- I would propose that
20 whatever increase can be made be considered. So I would -- I
21 would put my vote for an increase in salary.

22 CHAIR BOLOSAN: Thank you, Commissioner Patel.
23 Commissioner U'u.

24 COMMISSIONER U'U: I echo what Sne said. I mean,
25 cost of living is up; I mean, it's a tough go for everyone,

1 directors included. You know, I think when you're one
2 director, you get 24 hours. You heard the testimony that
3 people said prior, you know, I call in, he tried to
4 accommodate, you know, and understanding the changes that's
5 being made currently, you know, I would like to reward Layne.
6 I mean, if -- if the -- if the commission or the salary
7 department, salary commission defines that, okay, we don't
8 give raises to other departments, you know, I think Layne is
9 deserving of -- or this department, I should say, of the top
10 guys are deserving of -- of having a raise. Again, it's my
11 two cents. I think he's raising the bar. Salary is pretty
12 much like the liquor license 24/7, and if other people getting
13 raises in other departments, I think he's definitely well
14 deserved to earn his fair share of the raise that people
15 probably might get or might not, again, but he is deserving.

16 CHAIR BOLOSAN: Thank you.

17 COMMISSIONER U'U: And, again, 7 percent, I agree,
18 he's still down 4 or 3. I'm just saying, just to keep up with
19 the times. I'm in agreement that if anybody deserves one,
20 it's -- it's our top two in liquor. Thank you.

21 CHAIR BOLOSAN: Thank you, Commissioner U'u.

22 Can I -- we'll call on Commissioner Ruidas, followed
23 by Commissioner Boswell, then Commissioner De Mello, and
24 lastly will be the seal of approval by Vice Chair Jamie.
25 Okay.

1 COMMISSIONER RUIDAS: Okay. Thanks, Leon. You
2 know, I agree with everyone, you know, I just had one raise
3 and, you know, we was expecting 2 percent, we got 3 percent,
4 but cost of living is -- if you live on Lanai, it's 50
5 percent, you know, so -- you know, every little increase would
6 help. And reflective in his evaluation, I think we should
7 support his evaluation, whether the increase -- I don't know
8 what the number is, but, you know, I agree also with Bobbie
9 that, you know, and Sne, that, you know, it's hard times right
10 now and if we did give him a raise increase, how is that
11 reflective on his -- the people that work with him? But on
12 the flip side, it's -- I think it's already, what you call it,
13 budgeted for -- for more people, it's just that they cannot
14 find more people or good quality people to -- to work in those
15 positions. So I support you guys, and I support Layne, and I
16 vote for an increase. Thank you.

17 CHAIR BOLOSAN: Thank you, Commissioner Ruidas.
18 Commissioner Boswell.

19 COMMISSIONER BOSWELL: Yeah, I believe that Layne's
20 salary should reflect that of other liquor commissioners'
21 salaries. You know, I don't know exactly where it stands as
22 compared to somebody like Oahu's or Kauai's. I think he
23 deserves to be paid for the job and I think that his salary
24 should reflect that of other directors in liquor department
25 and whether that means an increase or not, I'm not aware of.

1 I'm sure that's the specialty of the salary commission. But I
2 definitely think Layne is doing a good job and that his salary
3 should reflect that and should match salaries of other
4 people's in his field.

5 CHAIR BOLOSAN: Thank you, Commissioner Boswell.
6 Commissioner De Mello, please, your thoughts.

7 COMMISSIONER DE MELLO: Yeah, hold on, I'm -- okay.
8 Yes, Maui has the strictest law in the liquor control
9 commission and -- which is great. Layne has proven his
10 ability to run this department -- (chapter change) --
11 evaluation on him. So I grant that we should push for the
12 increase for him and his -- the deputy, 'cause they work hard,
13 and they're trying -- he's trying his best to get it filled
14 and, of course, like everyplace else, just short of manpower.
15 And a lot of businesses right now are upping their wages
16 because they cannot get people in. They get incentive. After
17 you work so many months, they give you an increase. Well,
18 getting back to with Layne, yes, I -- I agree, Layne should
19 have -- the both of them should have an increase.

20 CHAIR BOLOSAN: Okay. Thank you, Commissioner De
21 Mello.

22 COMMISSIONER DE MELLO: Thank you.

23 CHAIR BOLOSAN: Vice Chair Becraft, your thoughts.

24 VICE CHAIR BECRAFT: Thank you, Mr. Chair.

25 For me, I've heard everybody's thing, and I think

1 we're all getting to the same point. For me, I -- I don't
2 even know if I have enough information to make this decision,
3 so how -- how I would make this decision is I would like to
4 know where we're at with our director as compared to the
5 director of Kauai or the director of Oahu, you know. I don't
6 know, and I'm not sure if I -- if Layne knows that answer.

7 Director Silva, do you -- do you know the answer in
8 regard to where you are in comparison to the other directors?

9 DIRECTOR LAYNE N. SILVA: I do not. I -- I'm sure
10 it is available information somewhere 'cause I believe our
11 salaries are public record, but I am not personally aware of
12 what they're making in other counties.

13 VICE CHAIR BECRAFT: I believe it's public record;
14 also, whatever your salary is and what the deputy's salary is
15 is public record. So, personally -- and it's -- it reflects
16 poorly upon myself that I don't know that. I should -- I
17 should know that, but I've never looked at that, and I
18 apologize. So I would like to know that before I render my --
19 you know, my opinion.

20 The other thing is -- and I know this from my past
21 employment, that our director, our head person wasn't making
22 anywhere near what I was making, you know, that the line
23 person -- because of overtime and everything, you know, I was
24 making so much more than the chief, it wasn't even funny, you
25 know. So it -- and I think Sne had brought it up, like, you

1 know, how many hours, you know. Which leads me to this: How
2 many hours a week are you putting in? And I'm not holding it
3 against you. If you can get your job -- you know, I've known
4 people in my career that say, Hey, if you can't get your job
5 done in 48 -- your 40 hours, then you're not proficient, you
6 don't -- you don't -- you know, you drink too much coffee.
7 But then, the flip side, I wasn't that person. I'm like, I --
8 oh, my God, I can't get it all done in 40 hours, you know. So
9 that leads me to that question is how many hours would you
10 estimate that you put in per week in -- or per day? I can do
11 the numbers. And equally so, how about the deputy? Is this
12 situation -- and I'll speak for the head of corporation
13 counsel, she's putting in 70 to 100 plus hours a week, you
14 know, she works seven days a week; literally, you know. And I
15 don't know that that's the case -- you know, what's the case
16 with you folks?

17 DIRECTOR LAYNE N. SILVA: You know, it's hard to
18 break it down into a -- into an average of something like
19 that, because the way it is, the department operates 24 hours
20 a day, seven days a week, so we are actively available any
21 hour of the day, night, morning, whatever. Not to say that --
22 typically, the in-office job is able to be dealt with in the
23 normal business hours between 7:45 and 4:30, but that doesn't
24 account for the calls, the late nights, and the interaction
25 that happens outside of those hours. I probably couldn't give

1 you a -- an average breakdown because it's -- there's nothing
2 average about it, I guess is one way to put it.

3 VICE CHAIR BECRAFT: Okay. Well, for me, I think
4 there's always an average. There's an average to how many
5 times you trip while walking. You might, oh, I don't remember
6 tripping yesterday, but like that -- you know, I tripped a few
7 days ago, you know.

8 DIRECTOR LAYNE N. SILVA: It can vary. It can vary.

9 VICE CHAIR BECRAFT: Right.

10 DIRECTOR LAYNE N. SILVA: It can vary outside of
11 15-20 hours above, you know.

12 VICE CHAIR BECRAFT: If I'm hearing you correctly,
13 you're not expecting to get three calls or more every single
14 night?

15 DIRECTOR LAYNE N. SILVA: I don't expect that, no.

16 VICE CHAIR BECRAFT: You just -- yeah, you're just
17 available.

18 DIRECTOR LAYNE N. SILVA: Yes.

19 VICE CHAIR BECRAFT: If that's what I'm hearing
20 correctly, but -- so, in essence, you guys are able to get
21 most of your work done in the 40 hours that you're allotted,
22 you and the deputy, is that correct?

23 DIRECTOR LAYNE N. SILVA: Typically, yes. The -- of
24 the actual administrative stuff that gets done.

25 VICE CHAIR BECRAFT: Okay.

1 DIRECTOR LAYNE N. SILVA: But like you know, our
2 enforcement is out, you know, they're -- they're operating, so
3 --

4 VICE CHAIR BECRAFT: You could get a call of an
5 injured -- an injured worker or -- or an issue could come up,
6 you could get a call, but it's -- you're just not expecting
7 one tonight, you know?

8 DIRECTOR LAYNE N. SILVA: True.

9 VICE CHAIR BECRAFT: Hopefully, you're not expecting
10 one next week.

11 DIRECTOR LAYNE N. SILVA: I'm always expecting one
12 and hoping not to get one.

13 VICE CHAIR BECRAFT: Yeah, you're always -- you're
14 always in -- yeah, you're always hesitant and hopeful. Yeah,
15 just hopeful it doesn't happen, right?

16 So then my other question is -- and I don't know
17 this answer, which I should know. I know that the licensees
18 contribute to our budget, you know, through the -- through the
19 taxes and -- I'm not a hundred percent, is it the fines also
20 is -- I could be wrong, but where does -- is that inclusive of
21 your folks' salary? Is your salary directly paid by the
22 licensees or is --

23 DIRECTOR LAYNE N. SILVA: Yes.

24 VICE CHAIR BECRAFT: Okay.

25 DIRECTOR LAYNE N. SILVA: The entire operation of

1 the department is paid solely by fees from the licensees.

2 VICE CHAIR BECRAFT: Okay. Okay. And, you know,
3 this is -- this is touchy, because, you know, it's all over
4 the news about inflation that's going bat shit -- oh, sorry,
5 going crazy. The -- you know, and, you know, the fed's
6 supposed to be trying to adjust it and whatever. I'm not an
7 economist or whatever, but I know that inflation is real. On
8 the flip side of the coin, this one is really difficult for me
9 because, as Roberto brought up, you know, we have other
10 things, you know -- I know that we have budgeted money already
11 for those positions that we need to address, but in this
12 situation, our money is coming directly from our licensees.
13 In my understanding right now, our licensees are taking it in
14 the shorts, you know, they're having a really hard time right
15 now. So I don't think that -- I'm not trying to represent
16 that you're not doing the job and you're not deserving, I'm --
17 I actually -- I, like others, am appreciative of our -- of our
18 movements that we're making forward. But right now, mostly in
19 light of -- mostly in light of that this money is gonna be
20 coming straight from our licensees, and we don't know how this
21 pandemic's gonna be going, you know, it's -- back when they
22 were shut down, what, we were getting -- we didn't even have a
23 thousand cases on Maui that whole year, right? Now we're
24 getting thousands of cases every day, you know, and I know
25 it's affecting them. So I'm, unfortunately, gonna have to say

1 for this year --

2 Oh, one last question. I don't know this answer.
3 Is this an every-year process? Do they -- do we get to
4 readdress this next year?

5 DIRECTOR LAYNE N. SILVA: You know, I don't know if
6 -- Jen, if you can chime in on -- I believe, but I cannot say
7 this as a fact, but I believe they meet every five years. I
8 don't know if that's a fact.

9 Jen, do you know how often?

10 CORP COUNSEL OANA: I don't know how often, but I
11 don't think it's every year. I follow when my boss is up for
12 salary commission, and I know that my boss isn't going every
13 year, so I'd have to say like maybe every three or five years
14 or something. That's just a guess.

15 VICE CHAIR BECRAFT: Well, in light of that
16 information, you know, now I'm -- now I'm changing my mind,
17 you know. I don't like -- I don't like saying no to three to
18 five years no increase.

19 COMMISSIONER ANDRION: Yeah.

20 VICE CHAIR BECRAFT: That seems like that's
21 excessive and -- I mean, but we don't know, right, next year
22 -- so --

23 DIRECTOR LAYNE N. SILVA: What I can tell you is
24 this: I believe, Leon, your invitation or the request is
25 scheduled for -- I believe it was moved to sometime in

1 February. I know I'm gonna meet with them on Friday.

2 CORP COUNSEL OANA: Yes, Director, they asked Chair
3 to go on February 11th to their meeting.

4 DIRECTOR LAYNE N. SILVA: Okay. So, I mean, you
5 know, if you guys need the clarification on -- on any of those
6 questions that you have, I think there -- there may be time.
7 I don't know how that works, but --

8 VICE CHAIR BECRAFT: I don't know how -- my vote,
9 and I don't think my vote is gonna be realistic, but my vote
10 would be that we say zero flat for this year because there --
11 you know, I don't think that our license -- I just don't see
12 how that's gonna work. And then maybe we then re- -- if they
13 can readdress it at the following year or -- I mean, union
14 contracts sometimes go like that, right? Zero, zero, eight,
15 you know what I mean? Zero, zero, ten, or whatever, they can
16 do whatever they want. So my -- mine is I don't want to see
17 you not get a pay raise for the next three to five years, I
18 think that's not proper, but -- anyway, that's my opinion, for
19 what it's worth. Thank you.

20 CHAIR BOLOSAN: Commissioner Andrion.

21 COMMISSIONER ANDRION: Mr. Chair, I was under the
22 impression that -- if this went out for five years, no, I
23 would not agree with that as well. I was looking at this as a
24 year-to-year thing only because of what's happening. Now, on
25 all the other information and if all the directors are not

1 having the same amount of -- if someone's behind the eight
2 ball, then I would think that they should be up to par with
3 everybody else. And that's talking from a union perspective.
4 You're doing the same job as everybody else; you should get
5 the same pay. But to -- to say, hey, you know what, you're
6 not gonna get an increase in the next five years, I think
7 that's a little farfetched. So I think we need some more
8 information if this is a two-year thing, a three-year thing,
9 or if it's a five-year thing before we can even make that
10 decision. 'Cause if it's a five year, I definitely will not
11 vote for one not having any sort of increase in five years.

12 DIRECTOR LAYNE N. SILVA: I'm sorry, not to
13 interrupt, but, yeah, I just received a text that is telling
14 me that it is every five years.

15 COMMISSIONER ANDRION: And then I would change --
16 then I would change my first recommendation and say that I'm
17 not gonna agree with not having any -- any form of -- of
18 increase within the next five years. Then I would vote for
19 some sort of an increase, whatever that is.

20 COMMISSIONER DE MELLO: So are you voting for an
21 increase, Bobbie?

22 COMMISSIONER ANDRION: I am voting for an increase
23 only because if it's gonna be stale all the way -- or zero all
24 the way across for five years, I don't think that's fair for
25 anyone.

1 COMMISSIONER DE MELLO: Mm-hmm.

2 VICE CHAIR BECRAFT: Mr. Chair, Jamie Becraft. Oh,
3 I'm sorry. Go ahead, Jerrybeth.

4 COMMISSIONER DE MELLO: Yeah. I sat on the salary
5 commission, and the only department that doesn't fall under
6 the county is the liquor because it's -- they get the increase
7 based on the licensee and with all the license that you have,
8 that's where their increases is, so I just wanted to let you
9 folks know that.

10 CHAIR BOLOSAN: Go ahead, Vice Chair Becraft.

11 VICE CHAIR BECRAFT: Yeah, for me, just to clarify
12 my vote, too, what mine -- now that we -- we're clear that
13 it's every five years, you know, for me, I think I would like
14 to do a progressive, like zero and -- somebody better at this
15 can do this, but I'm just gonna throw this out: Zero, two,
16 six, ten, or something like that, you know what I mean? Let's
17 -- let's make it progressive so at some point he can catch up
18 to inflation, but, you know, that we can be cognizant of our
19 -- of our challenges that we're having right now with -- with
20 our licensees being able to generate money, you know. So I
21 would vote for like a zero, zero, and then whatever
22 percentages in --

23 Bobbie, you're a union guy, you're better at the --
24 I never paid any attention to our pay raises. I worked so
25 much overtime that it didn't make any difference to me, you

1 know, it just -- but like that, he doesn't have that
2 opportunity. So maybe, Bobbie, with your union experience or
3 Bruce's union, you guys can, like, say this is the average or
4 whatever. If we can tell them way towards the back end of the
5 five years, you know, the last three years, give him the bump,
6 bump, bump, or something of that nature.

7 And last, I guess maybe Jerrybeth knows the answer
8 to that. Can the commission do it that way, or does it have
9 to be a flat number through and throughout five years?

10 COMMISSIONER DE MELLO: Well, when they did it in
11 the -- in the salary commission, they went with the -- the
12 bulk of it instead of revisiting every time. But like I said,
13 the liquor commission, they were very stable of their -- their
14 finances, that really didn't affect the -- the county, so they
15 have money there that they can support the transition of
16 increases because it's not in the county.

17 CHAIR BOLOSAN: Okay. Okay. You're gonna be next,
18 Commissioner Patel, but I just want to interject something.
19 From you saying that, Commissioner De Mello, maybe -- I don't
20 know if you're privileged to say other stuff, some of the
21 revenue that comes in, Director Silva, besides, you know, just
22 the -- our business partners, the people that runs -- I mean,
23 sell all liquor, is there any other income that you are --
24 probably could be free to add on to the revenue --

25 COMMISSIONER DE MELLO: Well, it wouldn't be --

1 CHAIR BOLOSAN: -- you're bringing in?

2 COMMISSIONER DE MELLO: The increase of how many
3 vendors that they have picked up that has increased the
4 finances under the -- the liquor, so that's why I said that.
5 And plus, remember now, because of this pandemic, we have
6 never -- we haven't been allowed to have the conference where
7 the liquor department have saved on it when they have it off
8 island, so that's kind of revenue that I guess the deputy --
9 no, not deputy, but director would know for the department.
10 They save a lot of money going forward.

11 CHAIR BOLOSAN: Yeah, thank you, Commissioner De
12 Mello. I know there's more money in the department, but I'd
13 like to ask Director Silva pretty much if you're -- you
14 elaborate more of how we make those revenues from the
15 businesses.

16 DIRECTOR LAYNE N. SILVA: Yeah, I -- I can explain
17 the process. And the way it works is the -- the budget of the
18 department of liquor control is solely derived by the -- the
19 licensees. There -- we take zero tax dollars from the general
20 fund or from the general public other than liquor licensees.
21 Monies that are obtained through the adjudicatory process in
22 fines is -- goes into a fund that is the education fund. That
23 fund cannot be touched. There's only very specific things
24 that that monies can be used for that goes directly back to
25 the licensees, such as education and things of that nature and

1 that's -- that's established by state law as to how we can
2 access that, that part of the budget.

3 The rest of the operations and the salaries are all
4 derived by a percentage of liquor sales annually, and there's
5 a formula that I couldn't explain to you, it's a very
6 complicated math thing that I have very qualified people here
7 to take care of, but the way I understand it, the budget is
8 derived by carryover savings which would apply to what
9 Jerrybeth is saying, monies that were not used in the previous
10 fiscal gets forward to the -- to the next year, so the
11 carryover savings would combine with the renewal fees. So
12 every liquor license has a set fee amount that they need to
13 pay to renew their license annually. Every liquor license in
14 Maui County must be renewed -- they all expire on June 30th of
15 each year. So when you combine the carryover savings with the
16 license fees, the remainder to fill in that budget is what is
17 collected through the percentage fee agreement. So that's
18 where that -- the complicated calculation takes place to
19 decide or determine what the percentage is that is gonna be
20 assessed to the licensees. And now the -- the percentage is
21 solely derived by liquor sales; it does not include food
22 sales, merchandise, or anything other than the specific sale
23 of liquor. So every year annually, they submit a gross liquor
24 sales report that shows the exact dollar amount of liquor that
25 they sold the previous year, and at that time, they're

1 assessed a fee based on the percentage. And it is my
2 understanding in the 22 years that I've been with the
3 department, it has never gone over 1 percent, and that is
4 specifically of the liquor sales. Now, that is my explanation
5 of how our budget is funded for operations and salaries, so I
6 don't know if I can go into more detail than that, but that's
7 the process.

8 CHAIR BOLOSAN: Yeah. Thank you. Thank you,
9 Director Silva. I just thought maybe you -- I would -- would
10 love like you explained more where you -- you could go to a
11 certain boundary.

12 Go ahead, Commissioner Patel.

13 COMMISSIONER PATEL: Yeah, thank you.

14 So that's exactly, Layne, thank you for that. And I
15 wanted to point out to Jamie, 'cause you had touched on that
16 in terms of what, you know, revenue or, you know, the fact
17 that perhaps we're not taking in as much money as previous
18 years, I'd like to state that, you know, according to previous
19 budgets -- because it's all online. I'm looking at it right
20 now, you know, it's all stated and out there. There's
21 carryover from 2020 of, according to this, 1,014,158, so, you
22 know, that gets carried over every year. So it's not like
23 we're starting at zero, and we're only solely dependent on the
24 sales that are coming in.

25 The other point that I'd like to make is the fact

1 that in 2019, you know, that was probably one of the highest
2 years of liquor sales in Maui County going back since 2004,
3 \$407,894,656.99, to be exactly, and you take a percentage of
4 that. And, sure, if you look at 2020, it's 32 -- 332,217,450,
5 which is still just about what it -- it's higher or just about
6 the same as it was in 2015 pre-pandemic. I would bet that in
7 2021, you might have a slight dip, but nothing compared to --
8 you know, I don't think it would be to a point where we
9 couldn't effectively see an increase in salary.

10 You know the 2020 numbers, Layne? Are they in?

11 DIRECTOR LAYNE N. SILVA: I -- I believe so, yeah.
12 I think those -- we're still in the process, or we're on the
13 tail end of collecting the final percentage fee assessments,
14 but I do believe they're in, yes.

15 COMMISSIONER PATEL: Yeah. So, I mean, I -- I think
16 we can base it on that. But at the end of it, we still in
17 2020 did very well considering that, you know, it was a
18 pandemic year comparatively to years past, and I would think
19 2021's the same. And there's still people coming here, still
20 people filling the hotels, and, you know, consuming liquor,
21 and whatever that is is -- we get a percentage based off of
22 that. I would still think it's a fairly healthy number in
23 2021 and going forward.

24 CHAIR BOLOSAN: Thank you, Commissioner Patel.

25 Go ahead, Vice Chair Becraft, followed by

1 Commissioner Andrion, then we -- yes, Corp. Counsel Oana. Go
2 ahead.

3 VICE CHAIR BECRAFT: Okay. Snehal, Snehal, thank
4 you, that is where my mind -- that's how my mind works, the
5 numbers that you're looking at, and that's -- really would
6 quell my concerns if we can actually get 2021's info. I think
7 that would really help me. Because the one thing that I also
8 understand is many years ago, the mayor came to our department
9 and every department head -- and maybe Layne remembers when
10 this happened, but suddenly we had to cut a million dollars
11 from every department, every department head was told that.
12 And essentially, from my employment, our -- our director,
13 which was Chief Phillips at the time, was like, well, there's
14 only one way to cut when you're in that situation. And this
15 is similar for -- for Director Silva. If he were told that,
16 okay, we don't have enough money all of a sudden, cut
17 something, he'd have to cut personnel, there's no other cut to
18 -- to make. You can't stop using gas; you can't stop using
19 electricity, you know. So, essentially, that's my concern.
20 If we can look at 2021's numbers and compare it to 2020 and we
21 can show that, you know, we're okay, then that's one angle,
22 then -- but then the other angle is, again, you know, have
23 been the cry from the licensees and give them a break, you
24 know, that they're -- you know, how much are they actually
25 selling as compared to what they used to do, you know, so --

1 and I don't know these answers. I'm going by what I hear in
2 public, but, you know, that's --

3 And I go out every once in a great while, I don't
4 see the number of people that I used to see out in our local
5 gatherings, our local places to eat, and they always have a
6 bar and whatnot. But I don't know that. So if we could get
7 2021's numbers and if it's as Snell's saying, like, hey, these
8 liquor sales are still -- they're terrific -- I wouldn't want
9 to compare them to, like, 2015, because the economy back then
10 is different than what it is now -- which then supports give
11 him a raise anyway, because the cost -- right, the cost is --
12 is so -- you know, so much higher now, you know. So if we can
13 get that, I think I would be in line with Commissioner Patel's
14 position on this. If we can just get a little bit more
15 mathematical information, that would really help me.

16 CHAIR BOLOSAN: Thank you.

17 COMMISSIONER DE MELLO: But --

18 CHAIR BOLOSAN: Yeah, go ahead. I -- we had
19 Commissioner Andrion, followed by Jen Oana.

20 COMMISSIONER ANDRION: Thank -- thank you, Mr.
21 Chair.

22 Okay, I -- I understand that all these things that
23 we're talking about as far as the sales, a percentage of that,
24 we have to take a look at it from when -- when Sne was saying
25 something about twenty -- 2019, that's when tourism was at its

1 peak before it went to -- it plummeted just a little bit of --
2 to 2020. Now, you guys have to understand too, then 2020, a
3 lot of people was out of work, but they had a lot of money to
4 spend only because they had -- they basically had unemployment
5 and supplement. So it -- I think some statistics shows that
6 sales of -- of liquor went up because of that. Now, if we go
7 back down again and we start overreaching and start
8 overspending because thinking that a million dollars carryover
9 is a lot of money, we might put -- we might have to take a
10 look at how that drastic change would be on this department.

11 So like I said, we need to take a look at how the
12 trend is, where the money is coming from so that it will not
13 backfire on us and say, hey, you know what, because you're
14 over budgeted, you're overspent, now you're gonna have to cut
15 staff. I don't think that's what -- where we want to go. I
16 mean, we -- we need to have a better look at that, and maybe
17 we could have some direction looking at where we can get the
18 money from to make sure that money is stable for us to move
19 forward with this. I mean, now I'm looking at it from -- from
20 a company perspective instead of from a union guy, 'cause if
21 -- if -- where does the money come from is basically what we
22 need to take a look at. And if it's stable enough to sustain
23 any type of increase within the next four or five years, then,
24 by all means, let's look at it from that perspective. If not,
25 then we need to scale it back a little bit and see what --

1 what other avenues we can proceed on. That is, again, my --
2 my opinion.

3 CHAIR BOLOSAN: Thank you, Commissioner Andrion.
4 Corp. Counsel Jen.

5 CORP COUNSEL OANA: Thank you, Chair. I've been
6 trying to call around to find out some answers for you guys,
7 and I just got a little bit of information that I wanted to
8 share. First of all, it -- I'm not really sure if they do
9 only review every five years. I know that January, I think
10 2020 or sometime in 2020, they did give some directors some
11 salary increase, so, you know, that was just two years away.
12 So, you know, I don't know if they review it yearly, every two
13 years, every five years, I'm not sure. Someone just told me
14 that they think they review it every year. I can't tell you
15 that for sure.

16 But also a comment to me was that, you know, it's
17 not really your folks' position to determine what the salary
18 is, just your comments to the salary commission, and it's
19 their jurisdiction, their power with determining the exact
20 salary. So what they want to hear from you guys are just your
21 comments on -- on -- what your comments are with regard to a
22 salary increase or not.

23 Another thing I was told just now is that the -- the
24 comments you make that will be helpful to the salary
25 commission will be comments based on the salary for the

1 position and not for Director Silva, the person, because
2 basically if, you know, Director Silva for some reason is not
3 director, you know, tomorrow, someone comes in, you -- you
4 know, you wanted to give Director Silva a raise because he's
5 doing such a good job, well, the newbie guy who just started
6 without the 22 years of experience like Director Silva has
7 will get that big raise too.

8 So those are just some other things that I've been
9 hearing from people while you guys have been discussing that I
10 wanted to share with you.

11 CHAIR BOLOSAN: Okay. Corp. Counsel Jen, now,
12 should we agendaize more about this item for the next meeting
13 or --

14 CORP COUNSEL OANA: So, we -- you know, your
15 meeting, your next meeting is two days before the time when
16 they want, Chair, you to go and talk to them.

17 CHAIR BOLOSAN: Yeah, okay.

18 CORP COUNSEL OANA: Right? So we do have another
19 meeting for discussion if you guys want to kind of defer this
20 till then. You know, I did hear like from Vice Chair Becraft,
21 he wants to hear other county's liquor director's salary. You
22 know, Vice Chair Becraft, you can, you know, get that
23 information from the other counties and bring it back to this
24 commission to share with them at the next meeting if you think
25 that will be helpful for the discussion. Also, if, you know,

1 Chair Bolosan, you wanted to shoot them an email and ask them
2 when are you gonna next review the salary of the liquor
3 director, that might be helpful for your discussion as well.
4 But it's really up to you folks. You guys can, you know, talk
5 it out all today or if you need some more information, you
6 know, you guys separately can assign each of your -- you guys
7 to do some kind of, you know, legwork to gather some
8 information and bring it back to the next meeting if you folks
9 like.

10 CHAIR BOLOSAN: Okay. Go ahead, Vice Chair Becraft.

11 VICE CHAIR BECRAFT: Thank you, Mr. Chair. I have a
12 question for corporation counsel. I'm not -- sorry to blind
13 side you with this question, but do we have the ability to,
14 let's say, bonus our director as the commission? So let's say
15 -- and the reason I say that let's say we say no, let's just
16 do zero so that we can monitor what's going on, and if the
17 economy looks good and our budget looks good, then maybe at
18 the -- you know, can we say, you know what, we look good, we
19 don't have to worry about -- because I'm afraid that if we
20 make the wrong choice here, you know, we're gonna be cutting
21 jobs, so I don't want that at all. But -- but would we be
22 able to go, yeah, everything's looking good, I'm gonna -- I'm
23 gonna give him a bonus, and we vote on that? Could that -- is
24 that something within our -- within our abilities?

25 CORP COUNSEL OANA: I'd have to say no, but I'm not

1 sure. You know, it's not something spelled out in the charter
2 that you have control over. The salary commission basically
3 determines the salary. I know you're talking about a bonus,
4 but, you know, you guys don't have power over, you know, the
5 department's budget or the county's budget or anything like
6 that. So I would have to say no, we don't have the -- you
7 don't have the jurisdiction to give the director a bonus.

8 VICE CHAIR BECRAFT: Okay. I know -- like I said, I
9 knew I would be blind siding you, and I apologize, 'cause
10 that's like just a whole different thought pattern like, as
11 they say, trying to think out of the box, but if we could --
12 that would be something if we could firm up before we have our
13 next meeting, if we could just check on that, I'd really
14 appreciate it, just to make sure. 'Cause if there's nothing
15 spelled out that says we can't do that, like definitively, you
16 know, then, I mean, I -- I'd love that option. Then we could
17 just do zero and -- and really --

18 CORP COUNSEL OANA: I'd have to say that, you know,
19 the commission, as well as all of the other commissions and
20 boards in the county, are given their powers from the charter
21 or from the HRS. They can't create their own duties and
22 jurisdiction and powers. So, you know, we're -- as far as I
23 can tell, we're limited to what we can do based on what the
24 charter tells you what you can do as well as HRS 281. But we
25 can't give ourselves more powers. If we did, we should

1 probably make a comment to the charter commission right now.

2 VICE CHAIR BECRAFT: I hear you. I'm just saying,
3 you know, that as the world says, a loophole's a loophole, you
4 know, if -- if it is something that's not spelled out and we
5 were able to do that, you know -- I'm not saying past
6 practice, and I've never heard it before, I'm just saying if
7 we really as a group wanted to move forward with that thought
8 pattern, I'm -- I just want to know if there's any concrete
9 written laws or anything in the charter that says you
10 absolutely cannot do a bonus. So if we can just check that
11 for next time. I know, like I said, I apologize for that
12 popping into my head and -- and blind siding you on this
13 meeting. Maybe we can get it for next meeting. Thank you.

14 CHAIR BOLOSAN: Thank you.

15 Okay. Go ahead, Commissioner Ruidas.

16 COMMISSIONER RUIDAS: Hi, Chair. Can I ask Layne a
17 question?

18 Layne, for everyone that works in your department,
19 how is the budget set for fiscal year? Is it already set, or
20 someone sets it for you?

21 DIRECTOR LAYNE N. SILVA: Well, actually, we're
22 going through that process right now for fiscal year 2023.
23 That was the -- the budget that we met on and discussed, and
24 that is what is going for approval to the mayor and through
25 county council coming up here in the near future that -- but,

1 yeah, everything is accounted for. 'Cause the way our budget
2 works is if we don't collect it upfront, we have no means to
3 collect it on the back end if you know what I mean. So it's
4 -- the proposed budget is the budget that goes forward for the
5 following fiscal year. So all the positions are -- are
6 accounted for.

7 COMMISSIONER RUIDAS: Okay. Just wanted to know
8 that. Thanks, Layne.

9 DIRECTOR LAYNE N. SILVA: Sure.

10 CHAIR BOLOSAN: Okay. Any more thoughts?

11 Go ahead, Vice Chair Becraft.

12 VICE CHAIR BECRAFT: Yeah, sorry, I wrote this down;
13 I forgot to ask it, Director Silva. So we had brought up --
14 or I think it was Commissioner Patel brought up like we have
15 extra money in I believe it's account A, right, personnel --
16 'cause there's what, A, B, and whatever, C or whatever, but I
17 recall a change being made by council a while back that when
18 you have extra money in account A, you would -- you don't have
19 the ability to move it to something else, so -- and I'm only
20 bringing this up because my concern is if we do have extra
21 monies in different areas, is it possible to actually shift
22 that money and put it towards pay?

23 You're muted, sir. You're muted. You're muted.

24 DIRECTOR LAYNE N. SILVA: Thank you.

25 VICE CHAIR BECRAFT: Yeah.

1 DIRECTOR LAYNE N. SILVA: I don't believe so. I
2 believe that the -- the salaries are accounted for in its own
3 account. It's not like you can pull from travel to cover
4 somewhere else without having some kind of amendment made
5 through the budgeting department and probably being approved
6 by the council as well.

7 VICE CHAIR BECRAFT: That is my recollection. So I
8 just wanted everybody to realize that we can't just move these
9 monies as freely as in the days of old could, I know, but I
10 know that the -- I thought that the council had gotten
11 together at some point and voted on that and said no, no more
12 with that.

13 COMMISSIONER DE MELLO: Yeah.

14 DIRECTOR LAYNE N. SILVA: And whether this is of any
15 consequence or not, I was just given this. This is based on
16 fiscal year 2020-2021, the gross sales of all licensees within
17 Maui County was 275,216,299.59; fiscal year 2019 to 2020,
18 estimated gross sales of all licensees was 331,124,921.68. So
19 I believe that brings us current right up until the year that
20 we're physically in right now.

21 COMMISSIONER DE MELLO: In --

22 VICE CHAIR BECRAFT: Is my math right where that's a
23 six hundred million dollar -- six hundred million or --

24 COMMISSIONER PATEL: Sixty.

25 VICE CHAIR BECRAFT: Sixty million, \$60 million

1 difference, yeah, roughly, ballpark.

2 CHAIR BOLOSAN: Okay. Can I have Corp. Counsel
3 Oana come in?

4 CORP COUNSEL OANA: Thank you, Chair Bolosan.

5 To answer Vice Chair Becraft's question, I did talk
6 to some people in my office regarding the bonus question. I
7 didn't want that left hanging for the next meeting. You guys
8 cannot give Director Silva or any of the direct -- liquor
9 control directors a bonus. It's not a power given to you
10 under the charter or any other law, and it's the salary
11 commission who determines compensation. So it's the salary
12 commission's jurisdiction for that kind of thing, so we -- we
13 can't give a bonus.

14 CHAIR BOLOSAN: Oh, thank you, Corp. Counsel.

15 Did -- Commissioner Boswell, you're kind of blurry,
16 but I thought you raised your hand.

17 COMMISSIONER BOSWELL: (Inaudible.)

18 CHAIR BOLOSAN: Okay. If not -- U'u.

19 COMMISSIONER U'U: U'u.

20 CHAIR BOLOSAN: Commissioner U'u.

21 COMMISSIONER U'U: You know, I wouldn't mind
22 deferring this till the next -- next meeting and we can come
23 -- kind of come up with, you know, what we're looking at. Or
24 if not, I'm ready to comment, whatever works.

25 CHAIR BOLOSAN: Okay. I think that's a good idea.

1 We still have other stuff to cover. Why don't we put this
2 agendize -- agendize this for the next meeting to continue on
3 thoughts?

4 (No response.)

5 CHAIR BOLOSAN: Okay. Then Commissioner --

6 CORP COUNSEL OANA: Chair, do you want to assign
7 some commissioners some research to bring back to the
8 commission the next meeting as discussed?

9 CHAIR BOLOSAN: Of course, that would be nice. Who
10 wants to volunteer?

11 VICE CHAIR BECRAFT: (Gesturing.)

12 CHAIR BOLOSAN: Okay, Vice Chair Becraft.

13 VICE CHAIR BECRAFT: I'm always foolish enough to
14 volunteer.

15 CHAIR BOLOSAN: Okay. Anyone wants to assist? We
16 -- what, a couple other people to assist Vice Chair? So we
17 could have three people, right, two other people to assist.
18 If not, all the load is on Vice Chair.

19 CORP COUNSEL OANA: That would be a TIG, and then
20 you need a report before action.

21 CHAIR BOLOSAN: Oh, okay, all right.

22 CORP COUNSEL OANA: Which you don't have time for.

23 CHAIR BOLOSAN: So --

24 CORP COUNSEL OANA: So, you know, I would suggest
25 all the things that you were talking about at this meeting,

1 hopefully -- we don't really know, but you want to know to
2 make your comments, you know, just assign certain tasks to
3 certain commissioners. You don't need to talk outside of a
4 meeting, just, you know, get the information that, you know,
5 they've been assigned and then bring it back to the February
6 meeting and present it to the -- to the commission.

7 CHAIR BOLOSAN: Thank you, Corp. Counsel Jen.
8 Commissioner U'u.

9 COMMISSIONER U'U: I just want to say, like, if you
10 get any -- for me, I'm okay making my decision on -- on the
11 basis of performance, so I wouldn't need any information to --
12 to contribute to what I have already. And I know guys, some
13 people, Jamie's looking at what -- what other commissioners
14 made -- other directors make. So if you get something along
15 the lines that concerns you, maybe you do your own due
16 diligence and come back on the next meeting, and maybe you can
17 share some of your concerns with the commission of a whole.

18 CHAIR BOLOSAN: Okay. Thank you, Commissioner U'u.
19 But we still need to have you come up with your probably
20 report, then, Vice Chair Becraft. And if each individual
21 member --

22 COMMISSIONER U'U: Yep.

23 CHAIR BOLOSAN: -- would be able to come up with
24 their thoughts on this item for the next meeting, that would
25 be nice. How does that sound to you, vice Chair?

1 VICE CHAIR BECRAFT: Sorry, I had my button off.

2 COMMISSIONER DE MELLO: Leon.

3 VICE CHAIR BECRAFT: But, yeah, I'm fine with that.

4 And then as -- and as Bruce said, you know, like my -- my

5 thing about knowing the others is actually to bolster his

6 position. I'm assuming that the outside agencies are probably

7 making more than him, so I think it would help to just know

8 that type of information to support our -- our position. But,

9 yeah, everybody can just -- whatever questions you have, I

10 guess everybody can do whatever they're gonna do. I don't --

11 I just volunteered because nobody else was moving forward. I

12 wouldn't have volunteered if somebody else would have put up

13 their hand, so --

14 (Laughter.)

15 CHAIR BOLOSAN: Okay.

16 COMMISSIONER DE MELLO: Leon.

17 CHAIR BOLOSAN: Yes. Go ahead, Commissioner De

18 Mello.

19 COMMISSIONER DE MELLO: Yeah. Every county has a

20 salary commission; they set their rules of what -- how they

21 distribute increases.

22 CHAIR BOLOSAN: Yes.

23 COMMISSIONER DE MELLO: And Maui has theirs. So

24 what Jenny is saying, yes, that's correct. Because we even

25 had a problem during the salary commission as to why the

1 liquor was part of the scale because we didn't have anything
2 to do with liquor, everything's out with liquor, but they
3 included liquor to be part of it. So they -- the salary
4 commission is the one that dictates what they get, and it is
5 based on the position, it's not based on the individual, so
6 yeah. So if you want me to go check with the salary
7 commission, I can do that.

8 CHAIR BOLOSAN: Yes, Commissioner De Mello.

9 COMMISSIONER DE MELLO: I'm gonna help you out,
10 Leon.

11 CHAIR BOLOSAN: Yes, yes.

12 COMMISSIONER DE MELLO: Because you're gonna have to
13 present it, yeah.

14 CHAIR BOLOSAN: Okay, all right. Yeah. I was
15 thinking about, you know, every -- everyone have their
16 opinion, thoughts, and whatnot. I was gonna go -- go back on
17 the transcript of this meeting, you know, then there's a
18 record in that of every member, what you have said. But that
19 would help a lot for me, though, Commissioner De Mello.

20 COMMISSIONER DE MELLO: Yeah, okay.

21 CHAIR BOLOSAN: Okay.

22 COMMISSIONER DE MELLO: I'll do the salary -- I'll
23 check with the salary.

24 CHAIR BOLOSAN: Thank you.

25 COMMISSIONER DE MELLO: You're welcome.

1 CHAIR BOLOSAN: Any more?

2 MS. KHANGSENGSING: Chair, this is Maria.

3 CHAIR BOLOSAN: Yes, Maria.

4 MS. KHANGSENGSING: I was able to find a document
5 that was submitted by the director of personnel services, and
6 it's -- it was -- it's a -- it's a document that has the
7 salaries for other directors for the counties.

8 CHAIR BOLOSAN: Okay.

9 MS. KHANGSENGSING: It was submitted in June of
10 2021, and it lists the salary for the Honolulu, the Hawaii,
11 state, Maui, and Kauai. I'm not quite sure if I could share
12 my screen; that way, you guys could see it.

13 COMMISSIONER PATEL: Yeah, it looks like -- I found
14 that one too.

15 MS. KHANGSENGSING: Yeah.

16 COMMISSIONER PATEL: It looks like Maui's already
17 the highest.

18 MS. KHANGSENGSING: You guys want to take a look at
19 that? I can pull it up on the screen for you.

20 COMMISSIONER U'U: Well, I think we -- if you could,
21 you know, if we deferring it anyway, just if we could have
22 that as material to look over prior to the next meeting.

23 MS. KHANGSENGSING: I can have it --

24 COMMISSIONER U'U: I think there's more questions
25 than that, right?

1 CHAIR BOLOSAN: Yeah, okay. So, okay, could you
2 print those and then it will be in our packet, Maria?

3 MS. KHANGSENGSING: Sure.

4 COMMISSIONER DE MELLO: Either that or email it to
5 us.

6 MS. KHANGSENGSING: Sure.

7 CHAIR BOLOSAN: Yeah.

8 COMMISSIONER DE MELLO: Leon.

9 CHAIR BOLOSAN: Yes. Yes, Commissioner De Mello.

10 COMMISSIONER DE MELLO: It's either that or email it
11 to us --

12 CHAIR BOLOSAN: Yes.

13 COMMISSIONER DE MELLO: -- so we can take a look at
14 it.

15 CHAIR BOLOSAN: Did you hear that, Maria?

16 MS. KHANGSENGSING: Sure. I can email it to you
17 right now, actually.

18 COMMISSIONER DE MELLO: Perfect.

19 CHAIR BOLOSAN: Yeah. Okay.

20 Commissioner Ruidas.

21 COMMISSIONER RUIDAS: Leon, on that previous special
22 meeting that we discussed, you think we can put this on that
23 special meeting?

24 COMMISSIONER U'U: Yeah, could.

25 COMMISSIONER DE MELLO: It is gonna be part of it.

1 CHAIR BOLOSAN: Yeah, we can.

2 COMMISSIONER DE MELLO: Yeah, Leon, when are we
3 having the special meeting?

4 CHAIR BOLOSAN: Okay. Good question. Any dates
5 that you think you might want to do this special meeting,
6 Members?

7 COMMISSIONER DE MELLO: If it's --

8 COMMISSIONER PATEL: I think the suggestion was that
9 after we conclude the business of this meeting --

10 COMMISSIONER U'U: Right.

11 COMMISSIONER PATEL: -- that Jamie, Leon, you,
12 Layne, and Jen were gonna sit down and figure that out and --

13 COMMISSIONER U'U: And we was gonna do it via email.

14 COMMISSIONER DE MELLO: Yeah.

15 COMMISSIONER U'U: Yeah, so that's -- that's at a
16 later date.

17 CHAIR BOLOSAN: Okay.

18 COMMISSIONER DE MELLO: You got that, Leon?

19 CHAIR BOLOSAN: Yes, Commissioner De Mello.

20 Would that work, Director Silva?

21 DIRECTOR LAYNE N. SILVA: Yeah. We can get together
22 after this and -- and come up with a date, yeah.

23 CHAIR BOLOSAN: Okay. I guess that would be
24 awesome.

25 What do you think, Vice Chair, would that work?

1 VICE CHAIR BECRAFT: Yep, I'm good. Thank you.

2 CHAIR BOLOSAN: Okay.

3 COMMISSIONER DE MELLO: Let me give you a heads-up.
4 For me, anything but Wednesday.

5 CHAIR BOLOSAN: Okay.

6 COMMISSIONER DE MELLO: But, yeah, I sit on another
7 commission or board of directors, yeah.

8 CHAIR BOLOSAN: Okay, all right. Any preferred
9 date, Director Silva, in -- for you?

10 DIRECTOR LAYNE N. SILVA: I'm gonna -- probably
11 gonna have to look at my calendar as well as communicate with
12 the licensing section so we can figure out if or what needs to
13 be done as well as allowing for the six-day posting
14 requirement for the agenda.

15 CHAIR BOLOSAN: Okay.

16 DIRECTOR LAYNE N. SILVA: So -- but, yeah, the goal
17 is to make it as soon as possible.

18 CHAIR BOLOSAN: All right. I'm flexible as far as
19 time; I suppose Jamie is too.

20 VICE CHAIR BECRAFT: (Thumbs up.)

21 CHAIR BOLOSAN: I'm speaking on behalf of you,
22 Jamie.

23 (Laughter.)

24 VICE CHAIR BECRAFT: That's okay. It's all good.

25 CHAIR BOLOSAN: All right. So let us know, then,

1 Layne, okay?

2 So then from here, we could -- we could conclude,
3 you know, on this Item C, yeah, so we can move on. 'Cause, we
4 have the next item yet. Okay? You guys okay with that?

5 COMMISSIONER U'U: Yep.

6 COMMISSIONER DE MELLO: Yes.

7 CHAIR BOLOSAN: Okay. D, Review of Sunshine Law
8 Amendments Allowing Remote Meetings Effective January 1st,
9 2022. I would like to call on corp. Counsel with her
10 expertise on this item.

11 CORP COUNSEL OANA: Thank you, Chair.

12 I want to make sure -- so the state legislature
13 passed Act 220 last year, which amended and added some
14 requirements in the Sunshine Law, and those amendments have
15 become effective as of January 1st of this year. But since
16 the number of COVID cases are so high right now, the governor
17 signed an emergency proclamation related to those amendments,
18 those Sunshine Law amendments; he signed it on December 29th,
19 which suspended some of those amendments until February 28th,
20 2022. So today, I wanted to discuss with you those amendments
21 so you folks can be ready for when those laws have to be
22 implemented, possibly in March. So we could be implementing
23 the new laws at our March meeting unless the governor further
24 extends the emergency proclamation suspending this further.

25 So, basically, in your -- in your meeting packet, I

1 provided the new guide to the Sunshine Law that the office of
2 information practices puts out every time there's changes to
3 the Sunshine Law. This is the new guide. They last did it in
4 2019; now it's redone. The main thing that -- there are a
5 couple of main things that I want to talk to you about, and
6 one is the change to the remote meetings by interactive
7 conference technology. And as you know, you know, all of the
8 county boards and commissions have been doing BlueJeans
9 meetings this whole time. The new law kind of basically
10 allows that to continue; however, the law does require one
11 primary physical location where the public can testify and
12 watch the meeting. So we can still do Blue Jeans meetings,
13 but the law will require one physical location.

14 And so that physical location, that's where the
15 public can go to if they choose to testify in person. Also,
16 board members and commissioners can choose to attend the
17 meeting there at the physical location while with, you know,
18 the Blue Jeans people -- members participating on Blue Jeans.
19 So audio and video has to be maintained with all of the
20 participating members and the required physical location.
21 The members must be able to see each other and hear each other
22 as well as the testifiers at the physical location. Again,
23 board members can be still on BlueJeans if they want, or they
24 can be physically present at that physical location.

25 Also, the change to the Sunshine Law is basically

1 board members must state who is present with them at the
2 nonpublic remote locations or at your homes or offices. And
3 if you noticed in the last couple of meetings, the chair has
4 asked you to state who is present with you at your location as
5 sort of a practice and to get us into the routine of doing
6 this, and you guys are all great at that by now.

7 A quorum of the members must always be visible and
8 audible at all times during the meeting, so all of you folks
9 will have to turn on your video. Sometimes, you know, in
10 meetings, commissioners or board members turn off their video;
11 now, your video will have to be turned on.

12 And with regard to roll call, you know, the roll --
13 it will be done by roll call. All voting will have to be --
14 also be done by roll call.

15 So, you know, I'd like to thank the department and
16 especially Liane for doing the legwork in setting up the
17 physical location for our meetings. The liquor department has
18 a conference room, a very brand new nice conference room, but
19 it's not wired for this new law for this interactive
20 technology requirement, so Liane has been working with the IT
21 division and Akaku in setting up the room. And it's very
22 complicated because we're dealing with installing cameras and
23 microphones and speakers so that the cameras can be pointed to
24 any commissioner who chooses to be in the physical location,
25 but the -- another camera has to also be pointed to the public

1 and where the public testimony part will be. Speakers and
2 microphones have to be wired, and it has to be integrated with
3 the BlueJeans system because some of you, maybe most of you,
4 who knows, will be still participating from your homes or
5 offices. So it's a really complicated procedure, and Liane's
6 been doing great at doing the legwork in setting things up
7 with IT and Akaku for the installation. So, you know, my hope
8 is that it can be all installed by February so we can do kind
9 of a practice run at our February meeting, and then we can --
10 so we can go live when we have to go live, which may be in
11 March unless the governor extends it.

12 There are other changes to the Sunshine Law. It
13 does allow additional in-person public locations besides that
14 one required physical location, so more alternative locations
15 can be provided if the commission so wishes. The agenda would
16 have to specify that if any interactive technology is lost at
17 those alternative additional locations, that the meeting will
18 still continue as long as the physical location, the required
19 physical location, and the BlueJeans setup is still going on,
20 then we would continue the -- that meeting.

21 I don't see us doing these alternative locations
22 right away. You know, throughout the process in setting up
23 the one required physical location, you know, it's been kind
24 of a nightmare, but -- it's been nightmarish because the
25 county really only has one awesome conference room that's set

1 up right now, and that's the Kalani Pakui conference room.
2 And pre-pandemic, that conference room was already used by
3 multiple boards, and commissions for their meetings, board of
4 water supply, like Commissioner U'u knows, you know, as well
5 as the planning commissions and the board of variances and
6 appeals, and -- and everything. So now a lot of other boards
7 are using that conference room for this, you know, new
8 requirement, you know, slots are taken up really fast. So I
9 don't see us doing this alternative public location -- and
10 this is like additional, you know, alternative public
11 locations -- until the county gets set up with big rooms that
12 are wired for this.

13 With regard to voting, again, voting will be done by
14 roll call. And we've been practicing that over the last
15 couple of meetings, so that's awesome; I think you guys are
16 all used to that.

17 Another requirement that they added is for executive
18 session, you have to be audible, but you don't have to be
19 visible. And the chair has to state publicly the names and
20 titles of all the authorized participants in the meeting. He
21 does take the roll call, so that would be sufficient. And
22 then, the chair has to confirm with each of you that no other
23 person is present with you in the room or can hear you via
24 other audio or visual connections. It's executive session, so
25 only authorized participants, meaning all of you folks as well

1 as any resource people that you need for the executive session
2 can be present in the room, so that's why you have to say, you
3 know, no other authorized person is present with me in my
4 room. And then Maria will also have to be checking the chat
5 or the people's section on BlueJeans to make sure that only
6 you folks and any authorized persons are in the executive
7 session.

8 So, again, it's anticipated that we will implement
9 these new laws at our March meeting and if -- if we are set up
10 with the liquor department's conference room by next month,
11 then, you know, I would like Maria to moderate our meeting
12 from that physical location. We're not gonna invite the
13 public yet; it's not gonna be required until March or even
14 later, but just to kind of practice it out and work out all
15 the kinks.

16 And then, also, when we do implement these new laws
17 and -- I know Maria sends you folks out a reminder email and
18 asks if you could be present or absent. If you can please let
19 her know -- at least early on when we're getting this, you
20 know, going, if you can please let her know whether you plan
21 to be in person or if you're gonna plan to be on Blue Jeans
22 just so we can kind of prepare and we're gonna have to set up
23 mics and things like that, just so we can take care of all the
24 logistics.

25 And I think that's all. Does anybody have any

1 questions?

2 CHAIR BOLOSAN: Okay. Commissioner Andrion,
3 followed by Commissioner Ruidas. Bobbie.

4 VICE CHAIR BECRAFT: You're muted, Bobbie.

5 CHAIR BOLOSAN: Bobbie --

6 VICE CHAIR BECRAFT: You're muted.

7 COMMISSIONER ANDRION: Sorry. Sorry, sorry. Okay.
8 This is -- this is a follow-up question to Jennifer. When you
9 say that your video has to be on, does this include when you
10 -- like, say, for example, I'm at home, I need to use the
11 restroom, does -- it has to be on even though I'm not on
12 there, or -- is that what my understanding is?

13 CORP COUNSEL OANA: It says the video has to be on.
14 Now, if you, you know, want to use the restroom, then I would
15 ask that you ask the chair to take a recess because you going
16 to another room, you're not physically present. If we only
17 have five members, which is quorum, then you're not really
18 physically present there, so I'd rather take a recess and then
19 -- you know, and then get you back on.

20 COMMISSIONER ANDRION: Okay. I'm sorry, then, I
21 guess I've been guilty of that.

22 CORP COUNSEL OANA: But it's okay if -- you know, we
23 mostly have, you know, a full commission present at these
24 meetings, so, you know, we're -- we're good on that. We're
25 good with quorum on that.

1 CHAIR BOLOSAN: Okay. Commissioner Ruidas, followed
2 by Commissioner U'u.

3 CORP COUNSEL OANA: Oh, I'm sorry, one more thing.

4 CHAIR BOLOSAN: Okay.

5 CORP COUNSEL OANA: I totally forgot this part.
6 With regard to the visual, it's required for the regular
7 session part of our meeting that you guys have to be visual
8 and audible, right? If something happens where, you know, we
9 have technical problems and so -- and so cannot -- you know,
10 the mic's not -- not the mic, the video is not working -- and
11 we've seen that in the past, right? -- then what -- we can
12 take a half an hour break to try to get that person's video
13 back on. If -- if there's no way to get the video back on,
14 then we can complete the meeting with that person using
15 audio-only. But we have to make the attempt to be visual
16 first, and then we can go audio. I'm sorry, I forgot that
17 part.

18 CHAIR BOLOSAN: Thank you, Jen. Thank you.

19 Commissioner Ruidas, followed by Commissioner --

20 COMMISSIONER RUIDAS: Yeah, Jen, that was my
21 question about the audio. If you leave it on like how we've
22 been turning off, you can hear all the background noises, or
23 if you make (inaudible) or something like that, you know. So,
24 you know, what -- what the thing, we have to leave it on all
25 the time?

1 CORP COUNSEL OANA: No. So that's a great question,
2 Commissioner Ruidas; thank you for asking. With regard to
3 when you're speaking, when you're trying to tell the
4 commission something, then turn it on, but it's okay to leave
5 it off when you're not speaking.

6 COMMISSIONER RUIDAS: So audio available and video
7 on, and I guess we're gonna have to do regular breaks on every
8 hour, I guess. Thank you.

9 CHAIR BOLOSAN: Oh, that's a good point.

10 Okay. Commissioner U'u.

11 COMMISSIONER U'U: Along the same lines, like I did
12 turn off my computer, the audio and the video, but that's
13 mainly because I was eating. I never like be rude.

14 (Laughter.)

15 COMMISSIONER U'U: We've gotta snack.

16 CHAIR BOLOSAN: All right. Any other thoughts from
17 the members?

18 (No response.)

19 CHAIR BOLOSAN: Okay. Can we move on, then?

20 (No response.)

21 CHAIR BOLOSAN: All right. E, a reminder that if
22 you didn't turn in your annual updated financial disclosure,
23 guys, please do that not later than April 15th, yeah.

24 Okay. And --

25 CORP COUNSEL OANA: Chair, may I make a comment on

1 that, please?

2 CHAIR BOLOSAN: Yes. Yes.

3 CORP COUNSEL OANA: I work with the board secretary,
4 she -- she's housed in my department, and I also did staff the
5 board of ethics for a little bit before that, and I do want to
6 stress how important getting your financial disclosure
7 statements in early is best. You know, there are hundreds and
8 hundreds of boards and commissioners that the board of ethics
9 have to review their financial disclosure statements and so,
10 you know, they're getting piles in all the time for each
11 meeting, you know, in the beginning of the year. And there is
12 always, always commissioners or board members who have to be
13 reminded multiple times that -- you know, some people seem to
14 just kind of ignore, and it's just -- it's really hard for the
15 board of ethics to get through their duty on reviewing
16 financial disclosure statements. So I've been asked to remind
17 all and pretty much beg all my commissioners and boards to
18 please get it in early so, you know, you don't have to be one
19 of the names on their checklist at the end with all these
20 reminders and things like that.

21 Also, getting it in early helps because they are
22 very specific about what they're asking for, you know, full
23 names of companies you own, you know, addresses, TMKs. If
24 you're missing something, they will bounce it back, so there
25 may be a back and forth a little bit. So if you get it in

1 early, then, you know, we can take care of those, you know --
2 they can take care of those comments back to you if they need
3 to.

4 So thank you. I just was asked to, you know, beg
5 you, folks, to get your folks in early. Thank you.

6 CHAIR BOLOSAN: Thank you, Corp Jen.

7 VICE CHAIR BECRAFT: Corporation counsel, if they
8 can simplify the form so I can just write on there "still
9 broke" and then --

10 (Laughter.)

11 CHAIR BOLOSAN: We know you're not broke.

12 VICE CHAIR BECRAFT: Still broke.

13 COMMISSIONER U'U: What, are you heartbroken? What
14 are you, heart broke?

15 COMMISSIONER ANDRION: Need money, not broke.

16 (Laughter.)

17 CHAIR BOLOSAN: When you own three houses, you're
18 not broke. Oh, boy.

19 Okay. All right. Any more on this, Members?

20 (No response.)

21 CHAIR BOLOSAN: Okay. If not, the liquor control
22 adjudication board meeting of January 6, 2022, was canceled.
23 There were no cases to be adjudicated. Okay?

24 Our next meeting of the liquor commission is
25 scheduled for February 9th, 2022, at 9:00 a.m.

1 Is there any other things that we should talk about
2 prior to our adjournment, ladies and gentlemen?

3 COMMISSIONER DE MELLO: No.

4 CHAIR BOLOSAN: Okay. Then by saying that, may I
5 have someone to make a motion --

6 COMMISSIONER U'U: Motion to adjourn.

7 CHAIR BOLOSAN: Okay.

8 COMMISSIONER DE MELLO: Second.

9 CHAIR BOLOSAN: Okay. All in favor?

10 (Response.)

11 CHAIR BOLOSAN: Thank you, ladies and gentlemen, for
12 being patient and being kind to me.

13 (The proceedings were adjourned at 11:50 a.m.)

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